

WNMU Staff Handbook

STAFF HANDBOOK



AUGUST 2001

Approved by: WNMU Board of Regents

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WNMU Staff Handbook

ACKNOWLEDGMENT

For
Western New Mexico University

Please sign and return to Human Resources office. (A copy will be provided upon request)

I, _____, acknowledge receipt of WNMU's Employee Handbook. I agree to familiarize myself with the information in this handbook and to observe the guidelines set forth in the handbook. I understand the contents of this handbook do not form a contract between WNMU and me, but are only intended as a general statement of current WNMU employment practices.

I also understand that WNMU may change, rescind, or add to any procedures, benefits, or practices described in this handbook from time to time. I understand that such changes will be done in writing and approved by the Board of Regents before becoming valid.

I also understand that in the event that verbal or written communications issued subsequent to my receipt of this handbook appear to alter the contents of this handbook, the guidelines or practices described in the handbook will be considered the official position of WNMU unless the handbook is revised in writing, approved by the Board of Regents and distributed to all staff members before becoming valid.

I understand that this handbook supersedes all prior human resources policies, verbal communications, staff meeting minutes, and/or management memos which may have been previously issued on subjects in this handbook.

My signature below indicates that I have read and understand this acknowledgement.

Employee's Signature

Date Signed

Human Resources Office

Date Received

INTRODUCTION

This section gives you, the staff of Western New Mexico University (WNMU), information about the university as an institution of higher learning and the university as an employer. You are encouraged to seek further information about WNMU's rich history from the various departments on campus.

MISSION STATEMENT

Western New Mexico University serves the people of the State of New Mexico and its surrounding areas as a comprehensive, regional, rural, public, and coeducational University offering certificate, associate, baccalaureate, and masters level programs. Its student body is diverse in age, culture, language, and ethnic background. Teacher education continues to provide the basic foundation of WNMU's programs. That focus has broadened to include a range of certificate, associate, baccalaureate, and several graduate programs which also meet the needs of the student in allied health, arts, and sciences, business, and vocational education. All undergraduate degree programs include a strong comprehensive general education requirement.

Excellence in teaching is a preeminent goal at Western New Mexico University. The University encourages the exchange of ideas; fosters the cultural, emotional, intellectual, physical, and social growth of students; nurtures a lasting appreciation of learning; encourages increased relationships with people of diverse backgrounds; and furthers an appreciation for the benefits and opportunities derived from community involvement. WNMU, through advanced technology and telecommunications, creates opportunities for its students, the faculty and staff, and the communities it serves to participate more fully in educational efforts which provide access to information and outreach to the global community.

WNMU recognizes as a strength of the multilingual, multicultural population of the region and state and accepts the responsibility to be particularly mindful and supportive of the unique opportunities afforded by this diversity. The University aspires to increase access to all levels of education and to help people better understand and appreciate diversity, tolerance, and cooperation. The University is committed to help preserve and enhance the rich cultural heritage of the region it serves and to broaden its student diversity by reaching out to students from other states and nations.

WNMU values the contributions of its faculty, staff, and students and is committed to their professional growth and personal enrichment. Faculty and staff encourage student success by providing quality educational opportunities that are affordable and accessible. The University supports innovative and scholarly work, promotes integrity and equity in its dealings with people, actively pursues accreditation by recognized national and regional accreditation agencies, and seeks continual improvement of institutional management practices and processes.

WNMU works diligently to maintain fiscal and ethical integrity in its activities, to provide for the future educational needs of the people of southwestern New Mexico, and to build a collaborative relationship with its constituencies. The University addresses the educational, cultural, community, and economic development needs of the region through its library, museum, gallery, fine arts center theater, and through supportive partnerships with community and educational organizations, business, industry, and local governments.

Approved: Board of Regents, WNMU

Date: May 13, 1999

WNMU VISION

We have given considerable thought to WNMU's future, and firmly believe WNMU is ideally positioned to achieve a leadership role among peer institutions. WNMU's potential is extraordinary, and although concerted effort will be required to realize this potential, the vision is within reach.

WNMU VISION IN ONE WORD:

LEADERSHIP!!!!

WNMU VISION: LONG VERSION

TO BE A LEADER IN HIGHER EDUCATION KNOWN THROUGHOUT THE SOUTHWEST AS THE UNIVERSITY OF CHOICE FOR OUR STUDENTS, FACULTY AND STAFF BECAUSE:

- WE PROVIDE **RELEVANT EDUCATION, THAT IS AFFORDABLE, ACCESSIBLE, AND OF THE HIGHEST QUALITY;**
- WE ENCOURAGE **INNOVATION AND SCHOLARLY WORK;**
- WE ARE COMMITTED TO ENHANCING **THE QUALITY OF LIFE** FOR ALL WNMU STUDENTS, FACULTY AND STAFF;
- WE PROMOTE RESPONSIVE AND RESPONSIBLE **COMMUNITY AND PUBLIC SERVICE, AND**
- WE ARE **GUARDIANS OF THE PUBLIC'S TRUST AND CHAMPIONS OF DIVERSITY.**

WNMU Core Values

As we strive to accomplish our mission, and to fulfill our potential, thus realizing our vision, it is useful to establish guideposts for our individual and collective behavior. These are not mandates, but rather challenges to our decisions and actions, and over time should form the basis of our organizational culture. Their relevance and utility must constantly be tested if they are to be a lasting force in shaping the way we go about our daily work.

WNMU CORE VALUES

PREEMINENCE OF TEACHING AND LEARNING!

CONSTANT RESPECT FOR PEOPLE.

UNCOMPROMISING INTEGRITY.

DEDICATION TO CONTINUOUS IMPROVEMENT IN HIGHER EDUCATION.

Definitions:

Western New Mexico University, hereafter referred to as "the University," means the University campus, its off-campus centers, and its associated activities.

"Employee" is any person hired by WNMU to work for wages or salary, including student employees.

"Director of Human Resources" will mean the Director of Human Resources of Western New Mexico University or his/her authorized representative.

"Affirmative Action/EEO Officer" will mean the Director of Affirmative Action/EEO Programs of Western New Mexico University or his/her authorized representative.

"Director of Grants and Contracts" will mean the Director of Grants and Contracts of Western New Mexico University or his/her authorized representative.

PROCEDURES FOR AMENDMENT OF STAFF HANDBOOK

Amendments may be proposed by the Western New Mexico University President, Staff Handbook Committee, or by any full-time WNMU employee through Staff Senator and/or officer.

The WNMU Staff Senate Handbook Committee will review the proposed amendment(s) and forward to the Staff Senate.

The Staff Senate will evaluate the proposed amendment(s), will make a 'do pass' or 'do not pass' recommendation, and then forward to the election committee. Staff Senate pass or do not pass explanation(s) will be included on the ballot.

The election committee will distribute ballots to all on-campus and off-campus full-time WNMU employees. Any amendments(s) must be passed by a majority vote of all ballots cast.

The election results will be announced to all staff within 5 working days by the Staff Senate President.

The staff approved amendments to the handbook will be forwarded to the WNMU President for approval.

Amendments approved by the WNMU President will be forwarded to the WNMU Board of Regents for approval.

WNMU Board of Regents approved amendments to the staff handbook will require notification to all WNMU staff by the Director of Human Resources within 5 working days of Board approval.

Any amendments approved by the Board of Regents will become effective on the day they are approved or on such date as specified, with the exception of changes in benefit accrual rates which will become effective for the next contract year.

Policies determined by the University Policy Committee become effective without a vote by the WNMU staff.

The WNMU Board of Regents Manual supersedes all handbooks.

Revised – BOR Approved 12/17/2004

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

Western New Mexico University has a comprehensive policy and firm belief in promoting equal employment opportunity for every employee and job applicant. We recruit and employ the best qualified individuals without regard to race, color, creed or religion, national origin, age (40 years and older), gender, physical or mental disability, serious medical condition, sexual orientation, veteran status or any other status protected by applicable law, except where there may be a bona fide occupational qualification. Equal opportunity at Western New Mexico University includes all actions such as compensation, benefits, promotions, transfers, termination, layoffs, return from layoff, opportunity for training and development, education and for social and recreational programs.

This policy is implemented through Western New Mexico University's Affirmative Action Program. The program meets the requirements of the federal and state governments with respect to procedures, goal setting and record keeping. Any questions regarding the affirmative action policies and programs at Western New Mexico University should be directed to the Affirmative Action/EEO Officer. A copy of the Affirmative Action Plan is available for inspection in the Affirmative Action/EEO, President's and Human Resources offices.

POLICY ON DISCRIMINATION

Western New Mexico University prohibits discrimination including harassment on the basis of race, sex, religion, age, color, creed, national origin, disability, or sexual orientation, and discrimination against disabled and Vietnam era veterans.

Anyone who feels that he or she has been discriminated against or has observed discriminatory action or comments by another employee should report the incident to the Affirmative Action/EEO Officer immediately.

STATEMENT ON RETALIATION

The University will not tolerate retaliation against employees or applicants who exercise their rights under the affirmative action plan or laws upon which it is based. All University personnel should be aware that such conduct may result in disciplinary action.

The University urges those who feel they are victims of such conduct to pursue the matter via affirmative action grievance procedures.

POLICY ON REASONABLE ACCOMMODATION

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act ("ADA") and the New Mexico Human Rights Act ("NMHRA"), the University does not discriminate in employment practices against qualified applicants or employees who have a physical or mental disability or a serious medical condition. The University will take affirmative action to employ, advance in employment and otherwise treat known qualified disabled individuals without discrimination in all employment practices.

The University will provide the opportunity for all applicants and employees to identify themselves as disabled and the information will remain confidential. (Confidential Self-Identifying forms are available through the Affirmative Action/EEO office).

The University will make reasonable accommodations to the physical and mental limitations of qualified disabled employees providing such accommodations do not cause an undue hardship on the University.

Individuals who feel their rights have been violated under Section 504, ADA or the NMHRA are urged to file a complaint with the Affirmative Action/EEO Officer. Any complaint may be filed directly with the Equal Employment Opportunity Commission at the address listed below.

Equal Employment Opportunity Commission
505 Marquette NW, Suite 1105
Albuquerque, NM 87102-2189

SEXUAL HARASSMENT POLICY

In recognition of the fact that sexual harassment is a form of discrimination prohibited by law, and in accordance with the provision of Section 703, Title VII of the Civil Rights Act of 1964 and the New Mexico Human Rights Act, Western New Mexico University is committed to maintaining a working environment free of objectionable and disrespectful conduct and communication of a sexual nature. The University is equally committed to maintaining an environment free of sexual discrimination for students of Western New Mexico University in their dealings with the staff and faculty of the University.

A. Definitions

1. Conduct of a Sexual Nature

Conduct of a sexual nature may include, but is not limited to, verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching,

patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; sexually oriented "kidding," "teasing," double-entendres, jokes, and any harassing conduct to which an employee or student would not be subjected but for such employee's or student's sex.

2. Unwelcome Conduct of a Sexual Nature

- a. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee or student has indicated, by his or her conduct, that it is unwelcome.
- b. An employee or student who has initially welcomed such should give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

B. Sexual Harassment Prohibited

1. For the purposes of this policy, unwelcome sexual advances or requests for sexual favors, and other unwelcome conduct of a sexual nature constitute prohibited sexual harassment if:

- a. Submission to the conduct is made either an explicit condition of employment, or in the case of a student, academic advancement;
- b. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- c. The conduct substantially interferes with an individual's work/academic performance, or creates an intimidating, hostile, or offensive work/academic environment.

2. Specific Prohibitions

a. Administrators and Supervisors

1. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.

2. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.
 - b. Faculty and University Staff
 1. It is sexual harassment for a faculty member or university staff to use his or her status to solicit sexual favors or attention from students when the student's failure to submit will result in adverse treatment, or when the student's acquiescence will result in preferential treatment.
 2. Faculty and university staff who either engage in sexual harassment or tolerate conduct shall be subject to sanctions as described below.
 - c. Non-administrative and Non-supervisory Employees
 1. It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.
3. Reporting, Investigation, and Sanctions
 - a. It is the duty of the University to attempt to eliminate all sexual harassment and therefore all persons with knowledge of sexual harassment are required to report incidents of sexual harassment. You may report sexual harassment using the Affirmative Action Grievance Procedure or by reporting to the President's Office, or to the office of the appropriate Vice President.
 1. Employees who feel that administrators, supervisors or faculty are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment or academic advancement upon agreement to unwelcome conduct of a sexual nature are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of administration or supervision. In the case of students, the report shall be made to the department chair or the appropriate vice president.
 2. Individuals are also urged to report any unwelcome conduct of a sexual nature by supervisors, fellow employees or students if such conduct interferes with the individual's work/academic performance, or creates a hostile or offensive environment.

3. Confidentiality will be maintained to the degree possible and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
- b. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and context in which the alleged conduct occurred will be investigated. The Affirmative Action/EEO Officer has the responsibility of investigating and resolving complaints of sexual harassment.
- c. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements.

SMOKING POLICY

Smoking is not permitted in campus buildings or university vehicles.

TOBACCO USE

While we recognize the desire of some employees to use tobacco or tobacco products, we must be respectful of the rights of all affected by such use.

You may not smoke, use, or dispose of tobacco products in or within:

1. Food and beverage preparation and service areas;
2. Any University – or State-owned building;
3. University vehicles;
4. 25 feet of entries, outdoor air intakes or operable windows.

Smokers are not entitled to additional break time. Smokers follow the practices for tobacco use as outlined above.

Revised – Policy Committee Approved May 2003 and May 25, 2010

ALCOHOL FREE WORKPLACE POLICY

Alcohol use by employees during work is prohibited, as is operation of University vehicles while under the influence of alcohol. Employees who report to work while impaired by alcohol will be subject to discipline.

APPEARANCE AND ATTIRE

We are in the service business, it is important to follow high standards of dress, grooming, and personal hygiene. Even if you work in a “behind the scenes” job, you probably have occasional public contact, so appearance and hygiene are important.

Cleanliness is an essential part of providing high quality service to our customers.

Your position or workplace may require that you wear a uniform (whether a shirt only or a full uniform) while performing your job. Uniforms supplied by us are considered University property.

If you come to work inappropriately dressed, you may:

1. Be sent home;
2. Be directed to return to work in your proper attire.

Dress appropriately for where you work which is at the discretion of your supervisor.

Revised – BOR Approved May 2003

DRUG FREE WORKPLACE POLICY

The Board of Regents of Western New Mexico University adopts this policy to implement the Drug Free Workplace Act of 1988 and the regulations promulgated pursuant thereto.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the premises of Western New Mexico University, including but not limited to, its campuses, grounds, facilities, vehicles, or at any activity held on University premises. If any employee of the University violates this policy, that individual will be immediately referred to Campus Security and the appropriate Vice President.

Responsibility:

The President of the University is responsible for the administration of the Drug-Free Workplace Policy and program. The Director of Human Resources is designated by the President to administer this program for employees. The appropriate Vice President and the Director of Human Resources has the responsibility of working in conjunction with the Affirmative Action/EEO Officer upon notification received regarding employee conviction and/or recommended counseling. The Affirmative Action/EEO Officer is designated by the President to certify that applicable laws are being administered. The Director of Grants and Contracts is designated by the President to certify this program for University grants and contracts.

The President's Executive Council is designated by the President to oversee the development and implementation of the Drug-Free Workplace policy and program. The Director of Human Resources, Affirmative Action/EEO Officer and Director of Grants and Contracts are delegated to assist in this process.

Programs:

The University establishes the following Drug-Free Workplace program:

1. The purpose of the program is to inform the University's employees about the following:
 - a. The dangers of drug abuse at the University as a workplace;
 - b. The Board of Regents' policy for maintaining a drug-free University environment;
 - c. The information on available drug counseling, rehabilitation, or employee assistance programs;
 - d. The appropriate disciplinary action and penalties that may be imposed for a drug abuse violation.
2. The program requires the Director of Human Resources to provide each employee with a copy of the policy.
3. The program requires each employee, as a condition of employment, too abide by the Board of Regents' Drug-Free Workplace Policy;
 - a. Notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring on the University premises no later than five days after conviction;
 - b. Sign a certification of awareness of the University Drug-Free Workplace policy and program.
4. The program requires the Director of Grants and Contracts to:
 - a. Sign a certification of the University Drug-Free Workplace policy and program for all grants and contracts proposals and agreements;

- b. Notify the appropriate federal contracting agency within ten days after receiving notice from an employee of a conviction of any criminal drug statute or of receiving annual notice of the conviction.
5. The Program requires the Director of Human Resources to take one of the following actions after receiving notice of any criminal drug statute conviction:
- a. Appropriate disciplinary action according to established personnel policy and procedure up to and including dismissal; and/or...
 - 1. Requiring the employee to participate in an approved drug-abuse assistance and rehabilitation program;
 - 2. The program requires the University to make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy and program.
 - 3. Independent contractors, when engaged in work for the University where its employees perform work on property owned by the University will abide by this policy. To enforce this policy the following statement will be added to University contracts with independent contractors who have employees working on campus: “Contractor agrees that as to Contractor’s employees that work on University property, Contractor will abide by the University’s Drug Free work place policy found in the University’s Regent’s Policy Manual.”

A copy of the Board of Regents Drug Free Workplace Resolution may be obtained in the President's office, Human Resources Office, Affirmative Action/EEO Office or Grants and Contracts office.

DISCLOSURE OF PERSONAL INFORMATION

It shall be the policy of the Board of Regents and Administration of Western New Mexico University (WNMU) to protect the privacy of current, former and prospective employees to the extent permitted by the law. Accordingly, all personnel information retained by WNMU shall be considered confidential unless the Inspection of Public Records Act, NMSA 14-2-1 et seq. requires otherwise.

Confidential personnel information will not be released without the affected person's written consent, unless an administrator who is responsible for maintaining the relevant records determines that exceptional circumstances justify such action. Other personnel information will be made available pursuant to the Inspection of Public Records Act, as interpreted by the New Mexico courts.

The type of personnel information that may be treated as confidential include, but are not limited to the following:

1. Letters of reference concerning employment, licensing or permits;
2. Letters of memoranda which are matters of opinion in personnel files, including documents concerning infractions and disciplinary actions, performance evaluations and related materials, opinions as to whether a person should be rehired or reasons why an applicant was not hired, and any other material expressing an opinion as to a current or former employee or an applicant for employment;
3. Medical and related information pertaining to illness, injury, disability to perform a job task, or sick leave;
4. Names or other identifying information of applicants for positions with WNMU, until and unless a candidate is selected for the position;
5. Other types of personal information such as military discharge or arrest records, (a) which is solicited by WNMU; (b) which is considered vital to the employment procedure; (c) which was furnished after a promise to keep the information confidential, and (d) for which disclosure would not appear to serve any identifiable public interest.

WNMU will treat these types of information as confidential to protect the privacy of current, former and prospective employees and to encourage qualified persons to apply for positions with assurance that the mere fact of their application for another job needs to become public information.

WNMU shall be entitled to ask persons seeking disclosure of personnel records to provide reasonable justification for such disclosure.

Release of Personnel Information

(Adopted October 21, 1988; Revised 1999)

EMPLOYEE CLASSIFICATIONS

There are a variety of positions at Western New Mexico University. The following policies list and define these. Terms of employment are determined by the classification and group of your position. If you have any questions about this, please contact the Human Resources Department for further explanation. Categories may be explained by the Affirmative Action/EEO Officer.

EMPLOYEE CLASSIFICATION

DEFINITION OF PERSONNEL STATUS

Western New Mexico University has three broad groups of employees: Faculty members, staff members and student employees. All three of these groups may include employees paid through grant monies. This handbook is for staff members, which includes all non-student employees who hold non-teaching positions. Faculty members and student employees should refer to their separate handbooks. Staff members who also hold teaching positions should refer to this handbook or the Faculty Handbook, as appropriate. The classifications of staff employees are based on legal considerations and are made in accordance with the provisions of the Fair Labor Standards Act, as amended.

CLASSIFICATION OF STAFF EMPLOYEES

Non-Exempt and Exempt Overview

Following are definitions of the employee categories within each of the employee groups. The classifications of staff employees are based on legal considerations and are made in accordance with the provisions of the Fair Labor Standards Act, as amended. Whether a position is covered by the overtime provisions of the Fair Labor Standards Act ("FLSA") (non-exempt), or is not covered by the overtime provisions of the FLSA (exempt), is determined by the responsibilities, duties and pay structure (hourly or salary).

Non-exempt Staff

Non-exempt Staff are paid by the hour and hold positions which are covered by the overtime provisions of the FLSA. If a position is in this classification, the employee is eligible for overtime and must be paid or compensated with time off for work in excess of 40 hours in a workweek.

Exempt

Exempt staff are normally salaried and hold positions including supervisory, administrative, and professional positions which are not covered by the overtime provisions of the FLSA. If a position is in this classification, the employee is not eligible for overtime pay.

All employees will be provided a copy of their job descriptions through the Human Resources office, which will include FLSA status of exempt or non-exempt.

Regular Full-time

An employee hired for an indefinite time and scheduled to work 40 hours or more per week over a minimum period of nine months per year is classified as regular full-time. Regular full-time employees receive full benefits.

Regular Part-time

An employee hired for an indefinite time and scheduled to work less than 40 hours per week over a minimum period of twelve (12) months per year is classified as regular part-time. Regular part-time employees receive pro-rated benefits for annual, sick and bereavement leaves. Health insurance benefits are provided on the same basis as regular full-time employees. (See health benefits definitions)

Temporary Full-time

An employee in this classification is hired to work for 40 hours or more for a limited period of time with designated beginning and ending dates and actual number of hours worked per week. Normally the limited period of time does not exceed twelve (12) months; and maximum is not to exceed one year. Temporary employees are not eligible for benefits but do get tuition waivers.

Temporary Part-time

An employee in this classification is employed for a workweek of less than 40 hours for a limited period of time with designated beginning and ending dates and actual number of hours worked per week. Normally, the limited period of time does not exceed twelve (12) months; the appropriate vice president must approve extensions. Temporary employees are not eligible for benefits.

Temporary Position - General Information

A temporary position of 30 days or less may be filled in the event of a bona fide emergency situation from the temporary work pool applicants; however, hiring supervisors must fill out the appropriate paperwork. For positions which may require they be filled temporarily, the position must be advertised appropriately according to policy as soon as possible to ensure proper placement in the vacant position. The filling of the position by a temporary employee does not guarantee regular employment to the temporary employee, nor does it imply that the temporary employee may automatically be placed in the position. Temporary employees must also have completed a job application along with other necessary paperwork prior to being considered for the temporary position.

Grant (Soft) Money Personnel

Employees in this classification are employed under the terms of a grant and accrue annual leave and sick leave. Annual leave may not be carried over from one fiscal year to another. (Employees, hired prior to January 1, 2001 are grand-fathered.) Employment and specific fringe benefits are subject to the availability of grant funds, including educational assistance (tuition fee waiver).

Revised – BOR Approved May 2003

Temporary Work Pool

An employee in this classification may be hired for ninety (90) days or less or on an on-call basis. Prior to the beginning of each fiscal year, the Director of Human Resources in conjunction with the Affirmative Action/EEO Officer will advertise and recruit interested individuals to create a selection pool. Applications are kept on file for a period of one year in the Human Resources office. Staff retirees are encouraged to apply for the temporary work pool. Persons hired in this category are not eligible for benefits.

For classification of specific positions, contact the Human Resources Office.

EEO-6 CATEGORY DESCRIPTIONS

For the purposes of AA/EEO reporting employees are divided into the following seven categories.

The Executive/Administrative/Managerial

The Executive/Administrative/Managerial category includes persons whose assignments include primary (and major) responsibility for management of the institution, or a customarily recognized unit or subdivision, etc. It is assumed that assignments in this category customarily and regularly require the incumbent to exercise discretion and independent judgment, and to direct the work of others. Reported in this category are all officers holding such titles as President, Vice President, Dean, Director, or the equivalent, as well as Officers subordinate to any of these administrators with such titles as Associate and Assistant Dean. Supervisors of professional employees (technical, clerical, craft, and service/maintenance) are reported within the specific categories of the personnel they supervise.

Faculty

Faculty (Instruction/Research/Public Service) includes all persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities), and who hold academic-rank titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any of these academic ranks.

Professional (Non-faculty)

Professional (Non-faculty) includes persons whose primary purpose is performing academic support, student service and institutional support activities and whose assignments would require either college graduation or experience of such kind and amount as to provide a comparable background.

Clerical and Secretarial

Clerical and Secretarial includes all persons whose assignments typically are associated with clerical and secretarial activities or are specifically of a secretarial nature. Included personnel are those responsible for internal and external communications, recording and retrieval of data (other than computer programmers) and/or information and other paperwork required in an office, such as bookkeepers, stenographers, clerk typists, office-machine operators, clerks, etc. Included also are sales clerks such as those employed full-time in a bookstore and library clerks who are not recognized as librarians.

Technical and Paraprofessional

Technical and Paraprofessional includes all persons whose assignments require specialized knowledge or skills which may be acquired through experience or academic work such as is offered in many two-year technical institutes, junior colleges or through equivalent on-the-job training. Included are computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed practical or vocational nurses, dietitians, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science), and similar occupational-activity categories, which are institutionally defined as technical assignments.

Skilled Craft

Service/Maintenance includes all persons whose assignments typically require special manual skills and a thorough and comprehensive knowledge of the processes involved in the work, acquired through on-the-job training and experience or through apprenticeship or other formal training programs. It includes mechanics and repairers, electricians, plumbers, stationary engineers, skilled machinists, carpenters, compositors and typesetters, and upholsterers.

Service/Maintenance

Service/Maintenance includes persons whose assignments require limited degrees or previously acquired skills and knowledge and in which workers perform duties which result in or contribute to the comfort, convenience and hygiene of personnel and the student body or which contribute to the upkeep and care of buildings, facilities or grounds of the institutional property.

For specific categories, contact the Affirmative Action/EEO Office.

CLASSIFICATION OF EMPLOYEES - TYPES

The classification of an employee's position is determined by the types of responsibilities possessed and the duties performed, as well as the salary structure and number of hours he/she is required to work.

Staff members are divided into two categories: "administrative staff" and "support staff," depending on their classification under the federal Fair Labor Standards Act (FLSA), as amended

Administrative Staff

Administrative staff employees are exempt from the maximum-hour provisions of the FLSA under one or more of the available exemptions (categories) for executive, administrative or professional employees. Most of the University's directors, managers, supervisors, coordinators, accountants, systems analysts, counselors, and other technical and professional personnel are classified as administrative employees.

Support Staff

Supports staff are not exempt from the maximum-hour provisions of the FLSA and for time worked in excess of 40 hours in a single workweek are entitled to either compensatory time off or overtime compensation.

EMPLOYMENT POLICIES AND PRACTICES

The policies in this section detail recruitment, hiring and related activities at Western New Mexico University. This section includes policies concerning employee practices and what is required of the employee, for example, regarding time and attendance at work.

It is very important that all staff understand both what the University will not allow concerning hiring practices and what the University requires of all staff. If you have any questions, contact the Human Resources Department and/or the Affirmative Action/EEO Office.

EMPLOYMENT POLICIES

It is the policy of Western New Mexico University to work continuously toward improving recruitment, employment, development and promotional opportunities for all its employees.

Whenever practical, the University will fill new positions and job vacancies by promotion or transfer of qualified and interested University employees. All new positions and vacancy announcements, either exempt or non-exempt, will be circulated within the campus community. When qualifications of two or more employees are substantially equal, seniority and the following priorities should be used: (a) regular full-time, (b) regular part-time, (c) temporary full-time, (d) temporary part-time. Regular employees will have preference over temporary employees with respect to hiring decisions.

Employees considering a lateral transfer will do so at their current rate of pay, if entry level salaries for both positions are the same. Employees transferring to either a lower or higher-level position will do so at the rate of pay of that position.

Employees may apply for a new position or any vacancy by contacting the Human Resources Office. Promotion or transfer during an employee's initial trial period is discouraged, and any employee who is promoted or transferred during that period will be required to serve a new trial period in the new position.

Offers of employment are made only after the application deadline has been met and after the Human Resources and Affirmative Action/EEO offices have been contacted for a review of all applicants considered.

The Human Resources office coordinates the hiring of **all** positions with the Affirmative Action/EEO office and ensures that all appropriate steps are followed (i.e. job application, appropriate salary range, minimum qualifications are met, etc.). Advertising for all vacant positions will occur to eliminate any perceptions of pre-selection and to afford equal employment opportunity to all potential job applicants.

WNMU POLICIES AND PROCEDURES

RECRUITMENT AND HIRING

General

Western New Mexico University is committed to ensuring equal employment opportunity, which means that all persons will be required to compete for positions on the basis of job-related criteria and qualifications. The process outlined in this policy is designed to assist in hiring the

best-qualified individuals for available positions and to support WNMU's mission of excellence. Adherence to this process should ensure that sufficient effort has been made to include members from diverse gender, cultural, racial and ethnic groups in the pool of applicants considered for interview for available positions. A broad pool will allow the University to establish diversity within WNMU's Affirmative Action Plan and furnish positive and successful role models for WNMU students. Whenever it is practical and consistent with promoting the three goals listed here, the University should try to fill new positions through an internal search process.

This policy describes the recruitment and hiring procedures, including advertising, interviewing, and selection for all University staff except when an internal search is conducted. Recruitment and hiring procedures vary for Exempt and Non-Exempt employees. Exempt employees are paid on a salary basis and do not receive overtime. The majority of exempt employees serve in an executive, administrative or professional capacity. These exemptions are based on the specific job descriptions and duties of the employees involved. Non-exempt employees are paid on an hourly basis and receive overtime pay in accordance with University policy and applicable state and federal law.

The exempt and non-exempt status of each position will be determined by the Human Resources Director according to the FLSA. For all positions, the Human Resources Department with the hiring supervisor assumes the major responsibility for creating the applicant pool, screening applicants, and maintaining documentation of the process.

Objectives

The goal of the University's recruitment and hiring process is to achieve an excellent and balanced workforce with representation and participation from all of the diverse sectors of our society. The primary objectives of the process are:

- To attract and hire the best qualified candidates, matching the qualifications of the candidate to the needs and expectations of the hiring unit.
- To assure an expeditious placement of qualified candidates into vacant positions.
- To increase participation of qualified candidates from underrepresented groups in applicant pools.
- To ensure fair and equitable treatment of all candidates in the recruitment and hiring process.

Noncompetitive Hiring

The University uses a competitive recruitment and hiring process; however, from time-to-time there may be circumstances when a noncompetitive process is used to fill a position temporarily. Whenever a noncompetitive process is used to fill a position, the department must submit a Temporary Contract Request Form to the Human Resources (HR) Department. The Temporary Contract Request Form will be routed to HR upon the acquisition of all approval signatures (i.e. Department Supervisor, Division Vice President, Vice President of Business Affairs, and Grants Accountant when applicable). For temporary positions that require advertising, an Employment

Requisition Form (ERF) must be sent to HR upon acquisition of all approval signatures. This process may be used for all temporary situations including Acting and Interim positions. An employee is considered to be in an acting position while temporarily filling a position where the regular incumbent is expected to return. An employee is considered to be in an interim position while filling a position for which a search is to be conducted. The fringe benefits of regular employees that temporarily fill a position in an acting or interim capacity will not be affected.

Temporary Services

The HR Department maintains a pool of temporary employees for many entry-level positions and is responsible for recruiting, interviewing, selecting and referring these employees when a vacancy exists that requires immediate assistance. To request temporary services, the hiring supervisor should send a completed Temporary Contract Request Form to HR for processing. The HR Department will send the hiring supervisor a list of qualified candidates from the pool. If the hiring supervisor and the Director of Human Resources are in agreement with the selected qualified candidate, the candidate may be referred directly to the department with the approval of the appropriate vice president. If the hiring supervisor knows of a qualified candidate he/she should refer that candidate to the Human Resources Department to complete an application. Temporary employees will normally work no longer than twelve (12) months. However, a contract may be extended with proper justification and approval.

Layoff Roster

A layoff occurs when the employee is involuntarily separated due to a department restructure or lack of funding for the position. Persons involuntarily separated will be placed on a roster maintained by HR and will be given first priority in filling any vacant position at the University of similar or lower classification to the position they held prior to layoff for a period of two (2) years. If there is more than one (1) individual on the layoff roster that satisfies the minimum requirements for the vacant position, eligible individuals will be considered in order of original date of hire.

Confidentiality of Employment Applications

All persons involved in the personnel recruitment process at WNMU shall keep confidential the identity of candidates for employment and the deliberations of those responsible for screening candidates, except as provided in this policy. This policy applies not only to those with a designated role in the screening process but also to any other employee of the University who may become aware of the identity of a candidate or the details of the deliberations. For purposes of this policy “candidates” shall include either applicants or nominees for positions at WNMU.

The identity and resume/vitae of a candidate shall be made public in response to a request and only when interviews have been scheduled between that candidate and the hiring supervisor or between the candidate and the screening committee members. Copies of the resume/vitae will be provided to the appropriate Vice President and the Screening Committee Chair. In cases where an open forum is scheduled, a brief biography of the candidates will be prepared by the screening

committee chair and distributed to each department. For purposes of this policy the term “interviews” shall include meetings or discussions in which the hiring supervisor and the screening committee members participate, either at the same time or in a series, and shall include discussions by telephone.

All candidates who are invited for interviews, as defined herein, shall first be advised of this policy and shall be given the opportunity either to continue in the search or to withdraw. The names and resumes/vitae of candidates who withdraw shall be kept confidential. All requests for the names of candidates for University employment shall be referred to the Human Resources Department. Under all circumstances, letters of reference, the deliberations of the screening committee, and other similar evaluative materials shall be kept confidential with respect to all candidates and shall be returned to HR upon selection and acceptance of the position by the candidate.

Recruitment – Exempt Positions

Exempt positions require a screening committee. All University employees are requested to participate as members of screening committees from time to time. Participation on screening committees is a vital component of duties and responsibilities for each University position and is considered to contribute to the good of the University community. The hiring authority shall recommend employees to serve on a screening committee. All proposed committees shall be reviewed for approval by the appropriate Vice President and the AA/EEO Officer. Each committee shall have a minimum of three members. An attempt will be made to include members of minority groups, women, or under-represented groups, and members from the department involved in the search. Community or student members may also be included on screening committees as appropriate. Persons holding the following positions are exempt from participation on screening committees: Director of Human Resources, Internal Auditor, AA/EEO Officer, and the President. The AA/EEO Officer will meet with the screening committee.

To start the recruitment process, the hiring supervisor contacts Human Resources for an Employment Packet. The packet will contain the following forms where applicable: ERF; job description (for established positions), previously approved applicant grid, previously approved reference questions and interview questions; Interview Request Form; Contract Request Form; Checklist; Budget Revision Form; Recruitment and Hiring Policy and Procedures, and any other applicable information. If established questions need updating or are nonexistent, the screening committee should work with the hiring supervisor in creating new questions to be submitted for approval to the AA/EEO Officer. Any changes to the recommended screening committee list will be communicated in writing to HR by the AA/EEO Officer for inclusion in the job file.

Upon receipt of the ERF, Human Resources will prepare a draft copy of the advertisement and forward it with all support documentation to the hiring supervisor, division vice president, AA/EEO Officer, Grants Accountant when applicable, and the Vice President of Business Affairs. The vacancy announcement will identify the job, salary information, minimum educational and experience qualifications, application deadlines, and lists of required information

to be included with the candidate's application, and how candidates may receive additional information related to the position. *Positions will be posted for a minimum of six (6) working days for both internal and external positions including posting on Western New Mexico University's job web site.*

Each announcement will include a statement of the University's commitment to equal employment opportunity. Positions may be advertised as anticipated vacancies if there is uncertainty about funding. The hiring supervisor will review for recommended changes and forward to the Division Vice President. The ad should be forwarded to the next reviewing entity as stated on the cover memo until all parties have made their recommendations. The ad should then be returned to HR. Advertisements containing extensive changes will be re-routed for final review. ERFs will be processed in the order received except when a critical need exists within a department as determined by the Human Resources Director. HR will be responsible for maintaining the job file, monitoring the progress of the hiring process for timeliness, and reporting to the President weekly on the status of each vacancy.

The AA/EEO Officer will be responsible for contacting the screening committee members and the hiring supervisor to arrange a mutually convenient time for orientation. The AA/EEO Officer will address the screening committee on EEO and Affirmative Action policies and laws. The HR Director will address the committee chair on the hiring policy.

Screening

HR prescreens applicants for minimum qualifications and forwards the qualified applicant files and roster to the AA/EEO Officer for a determination of an adequate applicant pool and utilization. The AA/EEO Officer returns the applications to HR for release to the hiring authority. Applicants will be notified by HR as to the status of their application. Applications of candidates not meeting the minimum qualifications as stated in the ad will not be released.

Testing

Departments may not test individuals unless the test has been validated as required by 41 Code of Federal Regulation Part 60-03 (i.e. content validity). Testing is defined as any verbal or pen and paper tests, such as composition or writing, and skill tests, such as typing or word processing. Departments may administer other test(s) only if validated and notice of intent to test including a copy of the test is filed in advance with the Department of Human Resources. Exceptions to this policy are confidential national standardized test such as those used by a Police Department. HR can test candidates upon hiring supervisor's request. Composition of test should be appropriate to individual job description/classification.

Interviewing

HR will notify the screening committee chairperson when the applications of qualified candidates are ready to be released for review. Reference checks will be conducted by the Screening Committee. **The hiring supervisor and appropriate VP may review the**

applications prior to submitting the approved Interview Request Form and the scheduling of the interviews. Once the screening committee has determined via the qualifications grid which candidates will be interviewed (**usually three to five**), they will notify HR by using the Interview Request Form (**which requires the hiring supervisor and appropriate VP approval**) supplied to them in the interview packet. HR will be given at least one week to schedule interviews with local candidates; two weeks for candidates that are not local. HR will then arrange the interviews with all involved parties. HR will distribute copies of the interview schedule. One copy will be sent to the screening committee chair. The chairperson will be responsible for sharing the information with other members of the committee. Telephone interviews will be conducted when it is deemed necessary by the screening committee and in agreement with the candidate (**if offered to one candidate then it will be offered to all candidates**).

The screening committee shall collectively interview those finalists who accept an invitation for an on-site interview. The hiring supervisor and/or appropriate vice president may observe the interview. Additional activities may include an independent interview with the hiring supervisor, Vice President or President, a campus tour and an open forum in which interested faculty, students, staff or community members may meet the candidates. If further reference checks are deemed necessary, the screening committee shall arrange to obtain such information and will be responsible for creating additional questions that must be approved by the AA/EEO Officer. The division vice president may conduct additional reference checks at their discretion.

An exit interview will be conducted with each interviewee by the AA/EEO Officer. When the AA/EEO Officer is not available, exit interviews will take place with a designee. In the rare event that both of the above mentioned persons are unavailable, the candidate will be given an Exit Interview Form by the Director of HR to be mailed back to the AA/EEO Officer by the candidate.

Time Off for Interviews

Regular full-time employees are granted reasonable time off with pay to attend open forums or screening committee activities which have been scheduled during their regular work hours by the HR Department. Employees should notify their supervisors in advance of such interviews. If the needs of the department are such that time off cannot be granted at the time of the scheduled interview, the applicant's supervisor should notify HR to allow for other arrangements to be made.

Selecting the Successful Candidate

After the interview is completed, the screening committee shall identify in writing to the hiring supervisor the strengths and weaknesses of the candidates and identify any they consider unacceptable and the reasons for that decision. A copy of the strengths and weaknesses should be sent to the AA/EEO Officer and the appropriate vice president. Comments must be job-related and specific to the qualifications of the candidate compared to those required for the position. **The candidates should not be ranked.** All materials should be given to HR upon completion.

The hiring supervisor can request to review interview notes, application materials, reference check information, and select the candidate that best matches the department's needs. The hiring supervisor should submit his recommendation for hire to the appropriate vice president and return all materials to HR once the candidate has accepted the position. After an offer has been extended and accepted, HR is responsible for contacting all unsuccessful candidates for the position in writing.

Depending on the level of the position, the Board of Regents, President or the appropriate Vice President or hiring supervisor will make the final hiring decision. Once a final selection has been approved, the vice president or designees will forward the decision in writing to the HR department.

Exceptions to this procedure are as follows:

The hiring of the President of the University is within the sole discretion of the Board of Regents. The Board will determine appropriate recruiting, advertising, and screening procedures, taking the business and Affirmative Action needs of the University into consideration and will hire the candidate for President that they believe is the most qualified candidate. Such hiring will be done in accordance with NMSA 1978 14-2-1 (1999).

The hiring of the Internal Auditor of the University is within the sole discretion of the Board of Regents. The Board will determine appropriate recruiting, advertising, and screening procedures, taking the business and Affirmative Action needs of the University into consideration and will hire the candidate that they believe is the most qualified candidate.

The hiring of the Vice-Presidents of the University is within the sole discretion of the President. The President will determine appropriate recruiting, advertising, and screening procedures, taking the business and Affirmative Action needs of the University into consideration and will hire the candidate for Vice President that he/she believes is the most qualified.

The Job Offer

As soon as the contract request to hire has been approved by the appropriate vice president and received in HR, the hiring supervisor will be contacted by HR to make an official job offer and agree on a tentative starting date. Hiring departments must allow adequate time for document processing prior to a new employee start date. If the candidate does not accept the position, the hiring supervisor will contact HR to determine the appropriate course of action.

Contract Request

Upon receipt of an accepted offer, a Letter of Appointment will be compiled from a completed Contract Request Form completed by the hiring supervisor and sent to HR. The Human Resources Department will be responsible for generating the contract once the completed request is received in HR. HR will be given at least one week to process the contract prior to the employee's starting date.

Once the contract signed by the appropriate vice president has been received in HR, new employees will be notified to attend new employee orientation the first Thursday after their date of hire. **No employee is to work without a Letter of Appointment.** Verification of employability in the United States will be handled by the Department of Human Resources by completion of the I-9 Form. Employees not able to supply the proper documentation within three (3) working days from their start date will not be permitted to continue working. HR will contact the hiring supervisor if the employee has failed to supply the necessary documents.

New Employee Orientation

New employee orientation is scheduled each Thursday morning in the HR Department. New employees are required to attend orientation the first Thursday following their hire date unless a hardship exists. In that case, HR will arrange an alternate orientation time with the employee. HR will advise the hiring supervisor of the date the new employee is scheduled for orientation. The hiring supervisor in turn notifies the new employee and provides time off to participate in the orientation program. As part of the orientation process, each new employee is briefed on certain University policies, completes benefit election forms, is given a job description and staff handbook, and is afforded the opportunity to participate in a question and answer session regarding policies and benefits. A list of attendees will be forwarded to the Loss Control Officer for completion of safety training and to the AA/EEO Officer for completion of harassment training. Copies of all benefit forms will be forwarded to the Payroll Office.

Recruitment – Non-Exempt Positions and Athletic Coaching Staff

Screening committees are not to be used for non-exempt employees and athletic coaching staff. *To start the recruitment process, the hiring supervisor contacts Human Resources for an Employment Packet.* The packet will contain the following forms where applicable: ERF; job description (for established positions), previously approved applicant grid, reference questions and interview questions; Interview Reimbursement Form; Interview Request Form; Contract Request Form; Checklist; Budget Revision Form; Recruitment and Hiring Policy and Procedures, and any other applicable information. If established questions need updating or are nonexistent, the hiring supervisor should formulate questions to be approved by the AA/EEO Officer.

Upon receipt of the ERF, Human Resources will prepare a draft copy of the advertisement and forward it with all support documentation to the hiring supervisor, grants accountant when applicable, the appropriate vice president, and the Vice President of Business Affairs. The vacancy announcement will identify the job, salary range, minimum educational and experience qualifications, application deadlines, and lists of required information to be included with the candidate's application, and how candidates may receive additional information related to the position. *Positions will be posted for a minimum of six (6) working day including posting on Western New Mexico University's job web site.* Each announcement will include a statement of

the University's commitment to equal employment opportunity. Positions may be advertised as anticipated vacancies if there is uncertainty about funding. The hiring supervisor will review all recommended changes and forward to the appropriate vice president for final approval. Advertisements containing extensive changes will be re-routed for final review. Packets will be processed in the order received except when a critical need exists within a department as determined by the Human Resources Director. HR will be responsible for maintaining the job file, monitoring the progress of the hiring process for timeliness, and reporting to the President weekly on the status of each vacancy.

Screening

Human Resources prescreens applicants for minimum qualifications and forwards the qualified applicant files and roster to the AA/EEO Officer for a determination of an adequate applicant pool and utilization. Applicants will be notified by HR as to the status of their application. Applications of candidates not meeting the minimum qualifications as stated in the ad will not be released to hiring supervisor.

Testing

Departments may not test individuals unless the test has been validated as required by 41 Code of Federal Regulation Part 60-03 (i.e. content validity). Testing is defined as any verbal or pen and paper tests, such as composition or writing, and skill tests, such as typing or word processing. Departments may administer other test(s) only if validated and a notice of intent to test including a copy of the test is filed in advance with the Department of Human Resources. Exceptions to this policy are confidential national standardized tests such as those used by a Police Department. HR can test candidates upon hiring supervisor's request. Composition of test should be appropriate to individual job description/classification.

Interviewing

HR will notify the hiring supervisor when the applications are ready to be reviewed. Once the hiring supervisor has determined via the qualifications grid which candidates will be interviewed (usually less than five), he/she will notify HR by using the Interview Request Form supplied to them in the interview packet. HR will then arrange the interviews with all involved parties. Telephone interviews will be conducted when it is deemed necessary by the hiring supervisor and in agreement with the candidate. The hiring supervisor and/or designee will interview the candidates.

An exit interview will be conducted with each interviewee by the AA/EEO Officer. When the AA/EEO Officer is not available, exit interviews will take place with a designee. In the rare event that both of the above mentioned persons are unavailable, the candidate will be given an Exit Interview Form by the director of HR to be mailed to the AA/EEO Officer.

Time Off for Interviews

Regular full-time employees are granted reasonable time off with pay to attend job interviews which have been scheduled during their regular work hours by HR. Employees should notify their supervisors in advance of such interviews. If the needs of the department are such that time off cannot be granted at the time of the scheduled interview, the applicant's supervisor should notify HR to allow for other arrangements to be made.

Selecting the Successful Candidate

After the interview is completed, the hiring supervisor shall identify in writing to his/her Vice President the strengths and weaknesses of the candidates and identify any they consider unacceptable and the reasons for that decision. A copy should be sent to the AA/EEO Officer and the appropriate vice president. Comments must be job-related and specific to the qualifications of the candidate compared to those required for the position. **The candidates should not be ranked.** As soon as the contract request to hire has been approved by the Vice President and received in HR, HR will contact the hiring supervisor to make an official job offer and agree on a tentative starting date. If the candidate does not accept the position, the supervisor will contact HR to determine the appropriate course of action. All materials should be returned to Human Resources after an offer has been accepted. The Human Resources Department is responsible for contacting all unsuccessful candidates for the position in writing.

The final authority for making hiring decisions shall at all times reside with the University President or his/her designee.

Contract Request

Upon receipt of an accepted offer, a Letter of Appointment will be compiled from a completed Contract Request Form completed by the hiring supervisor and sent to HR. The Human Resources Department will be responsible for generating the contract once the completed request is received in HR. The Human Resources Department will be given at least one week to process the contract prior to the employee's starting date. Upon approval, the candidate will be notified by Human Resources when to attend new employee orientation. **No employee is to work without a Letter of Appointment.** Verification of employability in the United States will be handled by the Department of Human Resources by completion of the I-9 Form. Employees not able to supply the proper documentation within three (3) working days will not be permitted to work. Human Resources will contact the hiring supervisor if the employee has failed to supply the necessary documents.

New Employee Orientation

New Employee orientation is scheduled each Thursday morning in the HR Department. New employees are required to attend orientation the first Thursday following their hire date unless a hardship exists. In that case, HR will arrange an alternate orientation time with the employee. HR will advise the hiring supervisor of the date the new employee is scheduled for orientation. The hiring supervisor in turn notifies the new employee and provides time off to participate in the orientation program. As a part of the orientation process, each new employee is briefed on certain university policies, completes benefit election forms, is given a job description and staff handbook, and is afforded the opportunity to participate in a question and answer session regarding policies and benefits. A list of attendees will be forwarded to the **Director of Campus Police/Loss Control** for completion of safety training and to the AA/EEO Officer for completion of harassment training. Copies of all benefit forms will be forwarded to the payroll office.

Revised – BOR Approved December 17, 2004

EMPLOYMENT OF RELATIVES

WNMU has no general prohibition against hiring relatives. However, a few restrictions have been established to help prevent problems of safety, security, supervision, and morale.

While WNMU will accept and consider applications for employment from close immediate family members such as a spouse, parent, step-parent, grandparent, great-grandparent, child, sibling, step-child, grandchild, mother/father/brother/sister-in-law, aunt/uncle, or any other member of the household, these individuals will not be hired into positions where they directly supervise or are supervised by another immediate family member, nor may any employee supervise a member of the immediate family of any of his/her subordinates or supervisors. Additionally, such relatives will not be hired into positions where they work with, or have access to, sensitive information regarding an immediate family member or if there is an actual or apparent conflict of interest.

Relatives may be employed in the same department, except where one of the relatives holds supervisory rank or has authority over the other. If there is any family relationship which would violate the above policies, the situation must be corrected within sixty (60) working days or end of current contract, whichever comes first by the transfer, resignation, or discharge of one or more of the employees so related (current employees are grand-fathered.)

This policy will be strictly adhered to so that the integrity and confidence of the university as a public entity is maintained.

EMPLOYMENT OUTSIDE WESTERN NEW MEXICO UNIVERSITY

Western New Mexico University recognizes that some staff members may have other employment outside the university. This policy outlines the University's needs concerning other employment by staff.

Employees of WNMU may not engage in outside business activities during regular working hours. University property and/or equipment may not be used for outside employment at any time. Employees must ensure that their other employment does not engage them in any activity, business, professional work, or enterprise which is inconsistent, incompatible, or in conflict with the efficient performance of the employee's duties, functions, and responsibilities as an employee of WNMU. If additional employment can be substantiated (i.e. through proper documentation) to clearly interfere with the employee's work performance and attendance at WNMU, the employee will be encouraged to resign either the outside employment or employment at the university.

Employees are not permitted to use the name of "Western New Mexico University" in promoting their individual outside business activities. Employees are not to engage in (directly or indirectly either on or off the job) any conduct which is disruptive, competitive or damaging to the university.

Since it is impossible to describe all the situations which may cause or give the appearance of conflict of interest, employees have an obligation to refer questions and concerns about potential conflict to the Human Resources Director, Affirmative Action/EEO Officer and/or President's Office.

ASSIGNMENTS, INVOLUNTARY TRANSFERS, AND REASSIGNMENTS

The President of Western New Mexico University has been delegated by the Board of Regents the authority to create a personnel system serving the needs and best interests of the University.

The President (in consultation with the appropriate Vice President and Affirmative Action/EEO) shall possess the authority to assign personnel, within the employee's or prospective employee's scope of expertise, education and training.

The President shall further possess the authority to effect involuntary transfers of staff members for the following reasons:

1. The need to comply with federal or state requirements;
2. The need to reduce or reorganize staff due to enrollment declines, loss of revenues, dissolution or reorganization of University programs, or other reasons

deemed by the President and the Board of Regents to be in the best interests of the University;

3. Changes in required job-related skills;
4. Emergency needs of the University;
5. In carrying out disciplinary action taken by the President or designated administrators.
6. To abide by the university's employment of relatives policy (see this section)

Prior to the use of involuntary transfers, efforts shall be made to appoint needed staff reassignments through a voluntary process. The President possesses final authority on employee assignments and reassignments and shall use such criteria in assignments or reassignments as shall best serve the needs and interests of the University.

EMPLOYMENT PRACTICES

This section includes policies concerning employment practices at Western New Mexico University. This section includes what is expected of the employee and what the employee can expect from the university.

It is very important that all staff understand both what the University will not allow concerning employment practices and what the University requires of all staff. If you have any questions, contact the Human Resources Department and/or the Affirmative Action/EEO Office.

Employees are allowed to visit with either of the above offices during working hours as well as the university counseling office.

EMPLOYMENT PRACTICES

ORIENTATION

In order to introduce new employees to WNMU, an in-depth orientation session will be conducted by the appropriate Vice President, Director/Supervisor, the Human Resources Director, Affirmative Action/EEO Officer, Payroll Manager, and others so that the new employee will understand the policies and procedures of the university. It is the responsibility of the Human Resources Director to schedule an initial orientation within the first week of employment in order to meet necessary time lines affecting employee deduction benefits, to inform him/her of salary, working time, benefits, and issue an employee handbook. The Human Resources Director will also contact additional offices such as Affirmative Action/EEO, Payroll, Purchasing, Accounts Payable, Student Health Center, etc. to coordinate additional orientations with new employees.

I-9 AND SOCIAL SECURITY CARD REQUIREMENT

It is the responsibility of the Human Resources Director to have a completed I-9 form on file for any employee.

Each applicant must possess a social security card in order to be employed. If an applicant does not have a social security card or requests the use of a name that is different in any way from the name on the card, it is the responsibility of the applicant to have the matter corrected at the nearest Social Security Administration Office. WNMU uses the social security number, as the employee identification number and the number are required for processing various university documents. If a social security number is not available because of naturalization, then the appropriate documentation will be provided.

EMPLOYMENT PERIODS

For wage-hour purposes, the standard workweek is defined as the period extending from 12:01 a.m. Sunday until midnight Saturday.

The standard workday/workweek consists of five days - eight hours per day, beginning Monday at 8:00 a.m. and ending Friday at 4:30 p.m. The standard work schedule is comprised of 40 hours per week. All University offices must remain open from 8:00am to 4:30pm Monday-Friday.

Non-Exempt Employees:

It is the responsibility of each individual employee to adhere to the 40-hour workweek (for full-time, regular employees). Work schedules may vary or differ as best suits the needs of the university (flex-schedule). All non-exempt employees are required to submit payroll timesheets.

Exempt Employees:

It is the responsibility of each individual employee to adhere to the 40-hour workweek as a minimum, but the needs of the University prevail and may require additional work time in the 7-day flex work schedule. Work schedules may vary or differ as best suits the needs of the university (flex-schedule). Exempt employees are required to submit leave slips in lieu of payroll time sheets.

MEAL PERIODS AND BREAKS

Western New Mexico University encourages employees to take their meal periods and breaks in the workday. All full time employees have a non-paid meal period.

Non-Exempt Employee

Meal periods are normally one-half hour and may last no longer than one hour unless an exception is granted by appropriate supervisor. Should this occur, it is expected that the daily work schedule be adhered to or leave time may be charged.

Breaks during the workday for 15 minutes are available to employees. Breaks are scheduled between the supervisor and the employee and are considered part of work time. There may be one break in the morning and one in the afternoon. Breaks should not be extended, nor can they be accumulated or omitted to shorten the workday.

Exempt Employees:

Work schedules may vary or differ depending on the needs of the University and meal periods and breaks may be scheduled accordingly.

OVERTIME FOR NON-EXEMPT EMPLOYEES

Subject to the limitations and exceptions below, overtime at the rate of time and one-half will be earned by any non-exempt employee (as defined under the federal Fair Labor Standards Act) who is required to work more than forty (40) hours during the work week. Any employee whose regular work week is less than 40 hours per week and is assigned additional work **up to** 40 hours

will be paid at straight time; hours over 40 are then calculated as overtime compensation at time and one-half. **The supervisor and the appropriate Vice President must approve all overtime before time is worked.** In the event of an emergency situation, the employee is required to obtain approval from the supervisor and appropriate vice president as soon as is feasibly possible after the overtime work has been performed.

A non-exempt employee and his/her supervisor may agree **prior** to overtime being worked so that the employee will receive compensatory (“comp”) time off instead of overtime pay. The agreement must be mutual and must be made before the overtime is initiated, or the employee will receive overtime pay as described above (see agreement form). Note: For Exempt Employees: Overtime does not apply to Exempt Employees as referenced in Overtime Requirements of Federal Fair Labor Standards Act.

COMPENSATORY TIME OFF FOR NON-EXEMPT EMPLOYEES

In lieu of payment, compensation for overtime may be made by granting compensatory time off at a rate of one and one-half hour for each hour of overtime worked. It is encouraged that compensatory time off be taken during the following week in which it was earned unless the authorizing supervisor determines that the use of compensatory time off would unduly disrupt the operations of the University function in question. If the authorizing supervisor makes such a determination, the compensatory time off may be taken as soon, as is reasonably possible thereafter. In no event may compensatory time off be accrued in excess of 240 hours.

Any unused compensatory time off will be paid in cash upon termination of employment at a rate not less than:

- a. The average regular rate received by the employee during the last three years of Employee’s employment, **OR**
- b. The final regular rate received by the employee, whichever is higher.

The supervisor is responsible for providing the Human Resources Department with notification of compensatory time taken or accrued. This is to be reported on the employee's payroll timesheet and attendance report. The Human Resources Department is responsible for tracking the compensatory time balances of all non-exempt employees.

Exempt Employees: This Overtime Compensation Plan does not apply to Exempt Employees as referenced in the Overtime Requirements of the Federal Fair Labor Standards Act.

ATTENDANCE AND PUNCTUALITY

An ‘Attendance Report’ with approved leave request forms is to be submitted to the Human Resources Office for exempt employees by the 5th day of each month; non-exempt employees submit timesheets bi-monthly.

EMERGENCY CLOSURES OF INDIVIDUAL OFFICES

All emergency closures of individual offices should be reported to the appropriate supervisor and the appropriate Vice President. If the Vice President is unavailable, then report to the Human Resources Director and President's Office. Dependent upon circumstances, leave time may be utilized at the discretion of the appropriate Vice President. Forced emergency closures should be paid for by the university; however, if employees may be utilized in another capacity temporarily, the supervisor should first determine if employees might be used in another capacity before being released. In this instance, the needs of the university shall prevail.

REPORTING FOR WORK UNDER NORMAL AND SEVERE WEATHER CONDITIONS

WNMU Inclement Weather Procedures

The decision on whether to close the University will be based on the condition of the campus streets and parking lots and the surrounding main arteries. It will also take into consideration when Law Enforcement close down roads in and out of Silver City, Deming, Lordsburg, and Truth or Consequences. The University's inclement weather procedures will be communicated to the entire University, as deemed necessary.

Weather closing/delay information will be made available in the following ways:

1. WNMU webpage
2. WNMU Mustang Express
3. Radio Stations
 - a. KNFT-FM 102.9FM (Silver City)
 - b. KPSA-FM 97.7FM (Lordsburg)
 - c. KSCQ-FM 92.2FM (Silver City)
 - d. KOTS 1230 AM (Deming)
 - e. KDEM FM 94.3FM (Deming)
 - f. KNUW FM 95.1FM (Silver City)
 - g. KCHS 1400 AM (Truth or Consequences)
4. TV Stations
 - a. KOAT – TV (Albuquerque)
 - b. KOB – TV (Albuquerque)
 - c. KRQE – TV (Albuquerque)
 - d. CATS – TV (Silver City)

Closing Procedures

1. The President or the President's designee will make any decisions regarding university closing. The Public Information Office or the PIO designee will communicate this decision to TV stations, radio stations, and the Director of Information Technology or the DIT designee.

2. During the weekends, the decision to close the Library, Museum, or the Computer Labs due to inclement weather will be made by the appropriate director and communicated to the Public Information Office/designee. The PIO/designee will communicate the closure(s) to the TV and radio stations and the DIT/designee as appropriate.
3. Every attempt will be made to have the closure announcement made by 6 am.

Late Opening or Early Closing Procedures

1. The President or the President's designee will make any decisions regarding university opening late or closing early. The Public Information Office or the PIO designee will communicate this decision to TV stations, radio stations, and the Director of Information Technology or the DIT designee.
2. When WNMU's opening is delayed, the opening will coincide with that day's class and/or exam schedules. A precise opening time, such as 10am or 11am will be announced.
3. Every attempt will be made to have the delayed opening announcement made by 6am.
4. During the day, the announcement to shorten the workday with an early closing or cancellations of evening classes will normally be made by 3pm.

Staff Considerations

1. Announced closures shall be reported as administrative leave on non-exempt regular Payroll Time Reports (Time Sheets) and shall not be considered as time worked for overtime compensation purposes.
2. At the beginning of each fiscal year (July – June) each regular employee will be allotted 8 hours to be used for inclement weather. Inclement Weather Leave may not be carried over from one fiscal year to another. Employees must notify his/her immediate supervisor or designee when he/she is unable to report to work and utilizing Inclement Weather Leave (Designated as WEA on his/her time sheet or leave slip). If any employee uses all of his/her Inclement Weather Leave then compensatory time off must be used and then annual leave, if available.
3. "Essential employees" are those employees required to work during emergency closings because their positions have been designated as essential to specific operations. "Essential employees" include Maintenance Department employees as assigned by the Maintenance Director, Campus Police employees as assigned by the Campus Police Director, Food Services employees as assigned (does apply if this service is outsourced), and Health Services employees as assigned. "Essential non-exempt employees" required to work during University closing will receive compensatory time off (compensatory time as per page 37 of the WNMU Staff Handbook).
4. Temporary employees will be paid for actual hours worked only and are not entitled to inclement weather leave or administrative leave.

Faculty Considerations

1. Academic deans and department chairs will ask faculty to discuss the University's inclement weather procedures with their classes and make known their expectations and plans of actions, including review of how students will be informed of weather-related

classroom decisions such as via e-mail, a phone tree, or posting on Mustang Express. Faculty should notify their department office if classes are cancelled.

2. When the weather is bad but the University remains open, some students may be unable to get to class because of treacherous conditions. Faculty should take this into consideration.
3. Academic departments should make every effort to inform students when an individual faculty member is unable to make it to campus because of inclement weather.
4. Departments will establish procedures for letting students know when classes are cancelled.
5. In the event of delays or closures during final exam week, faculty whose final exams are affected by the delay or closure may elect one of three options. Faculty must choose one of the options prior to final exam week and clearly communicate to their students in their syllabus which option they have chosen. The options are as follows:
 - a. Faculty may assign as final grades, the current grades that students have going into final exam week.
 - b. Faculty may make provisions for students whose exams are canceled to contact them for scheduling a make-up exam or alternative arrangements.
 - c. Faculty may, as a last resort, choose to assign incomplete grades.

Outside Groups/Renters

1. On days of early closings, external groups sponsoring events complete those events at their own risk.
2. On occasion, the University staff may not be able to open and close a facility. If this situation occurs, the external groups will be notified by the Special Events Office or the Fine Arts Center Theatre Director as appropriate and the event must be cancelled or re-scheduled.

TARDINESS, ABSENTEEISM, AND JOB ABANDONMENT

Tardiness and absenteeism place additional burdens on other employees and are often disruptive to work schedules and the ability of departments and offices to meet time schedules and deadlines. Therefore, all employees are expected to be at work on time and excessive absenteeism or tardiness will be considered during performance evaluations.

Tardiness

Non-Exempt:

An employee is considered tardy anytime he/she arrives late to work and does not begin at the scheduled time.

Exempt:

Although tardiness is primarily for non-exempt employees, Exempt personnel, who by the nature of their FSLA status are expected to spend time required to accomplish responsibilities, should ensure he/she is present when practical during normal working hours.

Excessive Tardiness

Tardiness is considered excessive if the employee has been tardy more than three times within 30 working days.

Absenteeism

Absence from work can include not only full days of absence, but also partial days for illness, medical or personal reasons. To be absent from work for any reason other than illness or medical reasons, prior arrangements must be made with the employee's supervisor (refer to Sick Leave and FMLA.)

Excessive Absenteeism

Excessive absence is defined as three occurrences in thirty (30) working days. An occurrence is defined as each absence period; for example, absence from work for three consecutive days is considered one "occurrence." The supervisor may require the employee to bring a physician's statement or a physician's release before returning to work, or at anytime, regardless of the length of the absence.

Job Abandonment

If an employee fails to report to work for three (3) consecutive workdays without notifying his/her supervisor with the reason, such action will be interpreted as a voluntary resignation from employment or job abandonment. Any employee who abandons his/her job will be notified by certified mail that the university believes this to be the case and all final monies due will be mailed from the university on or before the next pay day. If the employee believes that there were extenuating circumstances, he/she will have the opportunity to seek resolution of the issue by following the appropriate steps as outlined in the Dispute Resolution policy.

RESIGNATION

Resignation notice is appreciated as far in advance as possible and must be in writing to enable the university to process final pay checks, expedite the returning of keys, etc., and a replacement as soon as possible. The final paycheck will be ready no later than the next payday for the pay period in which the employee last worked. This final paycheck will include all money due for hours worked and any earned vacation hours accumulated less any funds owed to the university for employment purposes.

REDUCTION IN FORCE AND RECALL

A layoff, transfer, and recall of positions due to a university-wide financial exigency will be made in a fair and consistent manner in accordance with university policy.

It is the policy of Western New Mexico University to attempt to transfer non-trial; satisfactorily performing employees who will be laid off as a result of a university-wide reduction in force, reorganization, or job elimination. Employees may be transferred to lateral positions for which they are qualified through the current hiring policies as vacancies occur. Seniority is determined on the basis of service within the university. Employees are subject to recall to their previous position on a seniority basis whenever possible over a two year period. Employees may apply for internal positions during the two year period. This recall policy is not applicable to temporary or grant-funded positions. Affected temporary or grant funded employees have the right to be transferred in the event of a vacancy for which they are qualified in accordance with the hiring policy. In no event shall the affected employee have the right to "bump" or replace another employee on the basis of seniority, or otherwise.

RESTRUCTURING/REDUCTION IN FORCE: STAFF

The President of the University is charged by the Board of Regents with the development and maintenance of an appropriate administrative organization and governance structure to facilitate the most efficient and effective utilization of institutional resources in order to achieve the institution's missions and goals while ensuring institutional, operational and physical viability. Therefore, it is within the discretion of the President of the University to restructure staff organization or conduct a reduction in force in order to achieve these institutional goals.

Before any employee is laid off pursuant to this section, a reasonable effort to place that individual in another position if there is a vacancy and if the employee qualifies for that position within the University will be made.

CLEARANCE INTERVIEWS:

When a regular status (or full or part time) employee leaves the University, a clearance form must be filled out through the Human Resources office. An exit interview will then be scheduled by Human Resources for the exiting employee to be conducted by the Affirmative Action/EEO Officer.

TRIAL PERIOD

All staff employees hired into regular positions are on a trial basis for the first 90 days, during which time the hiring organization determines whether or not the employee is performing satisfactorily and the employee determines whether or not he/she is satisfied with the position.

During trial period, all staff employees are ineligible to take any annual leave, sick leave or use their tuition waiver. The trial period may be extended at the discretion of the supervisor (see performance evaluation section). Trial employees are at-will employees may be terminated for any reason at **any time** prior to completion of the trial period without recourse.


Any employee taking an internal transfer to another department prior to the completion of his/her trial period will automatically begin a new trial period. Upon completion of a trial period within one department, that employee is not required to serve an additional trial period.

It is the responsibility of the Vice Presidents and Human Resources Director to ensure that an appropriate evaluation be completed at midpoint and another evaluation at completion of the trial period and that the employee and supervisor are notified of these dates. The Human Resources office will then notify the Payroll office of the employment status at the completion of the trial period using a personnel change form.

Revised – BOR Approved December 17, 2004

PAY ADMINISTRATION AND PROCEDURES

This section includes the policies pertaining to how and when staff is to be paid.



PAYROLL POLICY

Exempt Employees:

Exempt staff will be paid twice a month effective July 1, 2003. The employees' paydays will be on the 15th and the last working day of each month.

Non-Exempt Employees:

Non-Exempt staff are paid according to the schedule available in Human Resources and the Payroll Office. Timesheets are to be submitted on the due date listed on the Payroll Schedule.

If a timesheet is submitted in Payroll after the due date, the employee will be paid within 2 or 3 days after the scheduled payday. No overtime will be paid until a timesheet is submitted with proper approval. *Non-Exempt Overtime compensation is paid according to each work week which starts on Sunday and ends on Saturday for a complete 7 day work week. Overtime is based on actual work over 40 hours per week.*

Revised – Policy Committee Approved December 17, 2004

ATTENDANCE RECORDS/TIME SHEETS

All departments have the responsibility of maintaining attendance records on all Non-Exempt employees in the department. All departments have the responsibility of maintaining leave slips on all Exempt employees.

Exempt Employees:

Attendance for exempt employees should be reported on a leave slip (separate annual leave and sick leave) with the necessary signatures and sent to the Payroll Office five days prior to the payday. **Do Not** submit leave request forms prior to the appropriate pay period. Employees should verify their leave balance before taking leave; however, should exempt employees inadvertently take leave they are not entitled to as reported on their leave slips, the employee will be notified by the Payroll Office that their salary will be adjusted accordingly.

The Leave Request form should be forwarded to Payroll Office as soon as it has been signed by the supervisor.

Revised – Policy Committee Approved December 17, 2004

Non-Exempt Employees:

Attendance for non-exempt employees will be recorded by using the employee timesheet. Timesheets should be delivered to the Human Resources Department no later than noon on the date they are due according to the Payroll Schedule. Non-exempt employees failing to turn in a timesheet will be notified by Human Resources via memorandum.

Employees should verify their leave balance before requesting leave; however, in the event employee's inadvertently take leave they are not entitled to, Payroll will adjust the timesheet accordingly. Employees will be notified by Payroll of the adjustment.

PAY PERIODS AND LOCATIONS

Payroll schedules and information can be obtained from Payroll and Human Resources.

DISCLOSURE OF EMPLOYEE FINANCIAL INFORMATION

It is the policy of Western New Mexico University **not** to disclose employee financial information to anyone without written permission from the employee. If you want to have financial information given out, employees must send a request in writing to the Human Resources office and provide a copy to the Payroll office.

CHANGE IN EMPLOYEE INFORMATION (FOR CREDIT PURPOSES, ETC.)

In order to keep insurance plans, other benefit plans and personnel records up to date, the employee must notify the Human Resources office of any changes of name, mailing address, phone number, marital status, dependents and/or other pertinent information which is required either by law or in reference to a benefit; changes can be made online, however employees must visit the Payroll department to sign the necessary form(s).


For income tax purposes, the employee should also report to the Human Resources office **and** the Payroll office any changes in mailing address, marital status or the number of exemptions to be claimed on the W-4 form.

Public Information

Certain information regarding salaries is considered public information. This information is available in Human Resources and the Library.

EMPLOYEE BENEFITS AND PAYROLL DEDUCTIONS

This section outlines the employment-related benefits offered at Western New Mexico University to eligible employees.



EMPLOYEE BENEFITS AND PAYROLL DEDUCTIONS

ELIGIBILITY REQUIREMENTS

(as defined by the New Mexico Public Schools Insurance Authority NMPSIA)

The NMPSIA views benefits coverage as an **employee benefit**. The NMPSIA also makes every effort to ensure that each enrolled employee and each dependent meet the definition of an **eligible employee** and **eligible dependent**. An **ineligible dependent** is one who meets the following criteria:

- Common law relationships (same or opposite sex) which are not recognized by New Mexico State Law
- Dependents while in active military service
- Grandchildren **without evidence of legal guardianship**
- Parents, aunts, uncles, brothers, sisters, or any other person not defined as eligible under NMPSIA rules.

The purpose of this criteria is to keep premium costs down, to maintain consistency in applying the NMPSIA Rules and Regulations, to comply with federal as well as state fraud laws and anti-donation laws, and for accountability to the New Mexico State Auditor's Office and other governmental/legislative agencies that oversee public school/educational entity/NMPSIA funding.

For these reasons, various pieces of supportive documentation **are required** when an eligible employee makes application to cover dependents as follows:

- Original state publicly filed birth certificates and marriage licenses
- Appropriate full-time student verification letters
- Court decrees
- Adoption documents
- Guardianship documents, etc.

For specific information and definitions, please refer to the Employee Benefits Rules and Regulations Summary provided to employees during enrollment; also available in the Human Resources Office.

FLEXIBLE BENEFIT PLAN

Cafeteria Plan (Internal Revenue Code Section 125)

Employees have the option to pay for health insurance premiums, health care, and/or dependent care expenses through pre-tax payroll deductions. Since the pre-tax deductions are not subject to income or Social Security taxes, the result is an increase in net pay.

GROUP INSURANCE

Western New Mexico University provides its employees with group insurance and contributes to the payment of the premiums through payroll deductions if the employee participates in any of the following:

Major medical health insurance plan

2. Dental insurance plan
3. Vision insurance plan
4. Disability insurance plan
5. Life insurance plan
 - a. Basic life insurance of \$50,000 is furnished 100% by the University.
 - b. Additional life insurance is available at employee contribution only.
6. Supplemental retirement plan

Other than for the life insurance, the University contributes on a sliding scale of 60-75 percent, depending on the employee's annual salary. University contributions are larger for employees with lower annual salaries.

Premiums: October 1st - September 30th				
Salary Levels:	\$14,999 or less	\$15,000 - \$19,999	\$20,000-\$24,999	\$25,000+
Matching Rates:				
WNMU:	75%	70%	65%	60%
Employee:	25%	30%	35%	40%

OTHER BENEFITS

(University Contributions Required By Law)

Workers' Compensation

The University maintains coverage under the Workers Compensation Act. Any on-the-job injury must be reported to the appropriate supervisor immediately, no matter how minor. The supervisor must follow through for the employee and ensure that a report be furnished as soon as possible (within the first 72 hours) to the **Human Resources , who will then** furnish a copy to **Director of Campus Police/Loss Control** (and Business office, if necessary.)

Revised – BOR Approved December 17, 2004

Unemployment Compensation

The University maintains coverage under the Unemployment Compensation Act. Further information on this benefit is available in the Loss Control Office.

CONTINUATION COVERAGE FOR GROUP HEALTH PLAN (COBRA)

Employees and their families will have an opportunity for a temporary extension of benefit insurance coverage when coverage under the plan would otherwise end, in accordance with applicable law. Further information is available in the Human Resources Office.

GROUP LONG TERM DISABILITY BENEFIT

Long-term disabilities caused by sickness or injury make it impossible for many people to work for a specific period of time. To provide regular-status employees some protection from the economic consequences of being unable to work, WNMU provides the availability of a long-term disability insurance benefit to all eligible employees. For further information contact the Human Resources Office.

RETIREMENT ELIGIBILITY - E.R.A.

A member is eligible to retire when:

1. The member's age and earned service credit add up to the sum of 75 or more; or
2. The member is age 65 or more with at least five years of earned service credit; or
3. The member has earned service credit and allowed service credit totaling 25 or more years.

A further requirement to be eligible to retire is that one must be a "member" having at least one year of employment after July 1, 1957 and at least five years of contributory employment.

Eligible members, who have one year of employment after July 1, 1957, but less than the required five, may contribute to the fund for each year needed.

Additional information is contained in the Educational Retirement Handbook, which is available from the Human Resources office.

DIRECT DEPOSIT POLICY

In initiating direct deposit, the employee is authorizing Western New Mexico University to initiate credit entries and pay funds into their accounts. The employee agrees to allow Western New Mexico University to stop payment or posting of, reverse or adjust any entry erroneously credited to his/her account. This authorization contained in the employees' benefits file herein shall remain in full force and effect until Western New Mexico University has received notification in such time and manner as to afford Western New Mexico University a reasonable opportunity to act on it. The employee acknowledges that the origination of Direct Deposit transactions to said account must comply with the provisions of United States Law.

Upon authorization of Direct Deposit, the first pay period following is pre-noted for confirmation with the bank and the employee will receive a paycheck. The next payroll will be direct deposit.

When an employee who has direct deposit has been contacted by Payroll Department to sign his/her additional contracts i.e. overload, supplemental, temporary and has not signed this contract in Payroll Department within a timely manner (10 days). The employee will be subject to having his/her direct deposit stopped until such time as the contract has been signed.

Revised – Policy Committee Approved May 2003

PAYROLL DEDUCTIONS

Federal and State Withholding

Federal and state tax laws require withholding from salaries and wages commensurate with the amount paid and the number of exemptions claimed. W-4 forms should be filled out in the Business office or Human Resources office at the earliest possible date. Failure to do this will, by law; result in the withholding of the maximum amount according to IRS rules (single status and no dependents).

Social Security and ERA

The state law requires a deduction be made for a contributory retirement system for all eligible employees. Also deducted is the contribution to the Old Age Retirement and Survivors Insurance plan as set by federal law. Both the rate and base are subject to change by Congress. The University provides matching funds to meet the premiums and contributions in the following benefit programs:

1. FICA (Social Security)
2. ERA (Educational Retirement Association)
3. Alternative Retirement Plan
4. Retiree Health Insurance Plan

Revised – BOR Approved December 17, 2004

EDUCATIONAL ASSISTANCE PROGRAM (TUITION WAIVER)

Regular Staff and Retired Employees

This program is provided to encourage current and retired employees to take advantage of the educational opportunities available at Western New Mexico University.

ELIGIBILITY

All regular full-time and regular part-time employees are eligible for the tuition waiver. However, regular part-time employee's benefits will be prorated according to their hours of employment.

Retired employees are eligible for the same benefit as a regular staff employee. Benefits are available to the retired employee, but not to their spouse or dependents.

Tuition waivers will be allowed provided sufficient funds are available.

TUITION WAIVER

1. Tuition will be waived for the employee's legal spouse and each dependent child to be used beginning July 1st through June 30th each fiscal year and will be subject to the restrictions listed below. Dependent child shall be defined as the employee's biological child, stepchild, or child for whom the employee has court-appointed guardianship and who is dependent upon the employee for support and maintenance (according to Financial Aid requirements). Payroll may request a copy of a birth certificate, marriage license, baptismal certificate or proof from Financial Aid Office of dependency. All documentation must be provided to the Payroll Office before the waiver will be approved. Falsification of information is grounds for disciplinary action.
2. The benefit for employees only shall be up to 18 credit hours (undergraduate or graduate) **on campus** tuition charge for the fiscal year (July 1st through June 30th) for credit courses only (including credit courses being audited). The tuition portion of the benefit will be calculated on a per credit hour basis up to 18 hours and without plateau between 12 and 18 hours. Dependents are eligible for the dollar amount of tuition based on a twelve credit hours **on campus** tuition charge for the fiscal year July 1st through June 30th for credit courses only

(including credit courses being audited). Lab fees, online fees, other special fees and books are not included in this benefit and are the responsibility of the employee.

3. Employees may take classes during the work week. Time off with pay can be granted whether the class is being paid for by the individual or the university.
4. All credit courses (including credit courses being audited) taken during work hours must be approved by the supervisor and the appropriate Vice President. Because of workloads or other legitimate business reasons, it may not be practical to grant time off to an employee. In these cases, the needs of the university shall prevail. When time off for classes is granted, it is the Vice President's and supervisor's responsibility to ensure that university work is given priority, completed in a timely manner, and that offices have appropriate coverage during absences. The Vice Presidents and Directors are to ensure that Non-exempt employees' hours do not exceed 40 hours per week between work and time in class.
5. When class enrollment is required by University Administration, the time required away from the job to attend these credit classes (including credit courses being audited) will be counted as administrative leave. The employee will not be obligated to take vacation or leave without pay. Non-exempt employees required to attend classes after working hours will be compensated for these hours as though they were hours worked.
6. The tuition waiver does not apply to any costs other than tuition and the registration fee. Lab fees, online fees and other special fees required for credit courses (including credit courses being audited) taken must be paid by the employee. Books are not covered by the tuition waiver.
7. If an employee drops a class, he or she is required to notify and submit a drop slip immediately to Payroll to adjust the tuition waiver.
8. If an employee resigns and/or is terminated before census date, he/she will be required to reimburse the University for any tuition not refundable that was waived as an employee benefit.
9. If an employee resigns after census date and prior to his/her withdrawal date, he or she is required to reimburse the university a proportionate percentage through a payroll deduction to be withheld out of their final pay. This includes all waiver benefits granted as an employee benefit to the employee and the employee's dependents.
10. If two employees are married, each employee may use their own tuition waiver, but neither may use the dependent tuition waiver of the other employee. Additionally, their eligible dependents are only allowed the use of one employee waiver (a copy of the employee's federal tax return and/or other legal documents is required to be on file for any dependents claimed that are over the age of eighteen (18)).
11. Benefits as listed shall not be modified or substituted for other benefits.

TEMPORARY EMPLOYEES

This program is provided to encourage current employees to take advantage of the educational opportunities available at Western New Mexico University.

ELIGIBILITY

All temporary full-time and part-time employees with employment contracts that extend at least 6 months or whose employment is contingent upon the academic semesters are eligible for the tuition waiver, subject to certain restrictions outlined below. However, temporary part-time employee's benefits will be prorated according to their hours of employment.

Tuition waivers will be allowed provided sufficient funds are available.

TUITION WAIVER

1. Tuition will be waived for the employee only.
2. The benefit for employee only shall be up to 18 credit hours (undergraduate or graduate) **on campus** tuition, student fees, and registration fee charges for the fiscal year (July 1st through June 30th) for credit courses only (including credit courses being audited). The tuition portion of the benefit will be calculated on a per credit hour basis up to 18 hours and without plateau between 12 and 18 hours. Lab fees, on-line fees and other special fees are not included in this benefit and are the responsibility of the employee. Eligible temporary employees that are contracted to work part-time (Special Conditions: Shall work no more than a certain number of hours per week) will be given an initial award of 3 credit hours (undergraduate or graduate) **on campus** tuition charge. Waivers awarded will be reviewed based upon hours worked per week per semester to be evaluated no later than the beginning of October, March, and other terms that are applicable each fiscal year. As a result of these reviews, each waiver if necessary will be adjusted appropriately.
3. Temporary employees will not be paid for hours spent in class. They will only be paid for actual hours worked. If temporary employees, at the discretion of the supervisor, take classes during the work week, arrangements may be made with the supervisor to make up the hours.
4. The benefit for adjunct faculty (employee only) shall be a waiver equivalent to their current course load per semester with an additional course over and above their current course load for credit courses only (including credit courses being audited).

5. All credit courses (including credit courses being audited) taken during work hours must be approved by the supervisor and the appropriate Vice President. Because of workloads or other legitimate business reasons, it may not be practical to grant time off to an employee. In these cases, the needs of the university shall prevail. When time off for classes is granted, it is the Vice President's and supervisor's responsibility to ensure that university work is given priority, completed in a timely manner, and that offices have appropriate coverage during absences. The Vice Presidents and Directors are to ensure that Non-exempt employees' hours do not exceed 40 hours per week between work and time in class.
6. When class enrollment is required by University Administration, the time required away from the job to attend these credit classes (including credit courses being audited) will be counted as administrative leave. The employee will not be obligated to take vacation or leave without pay. Non-exempt employees required to attend classes after working hours will be compensated for these hours as though they were hours worked.
7. The tuition waiver does not apply to any costs other than tuition, student fees, administrative fees and the registration fee. Lab fees, on-line fees and other special fees required for credit courses (including credit courses being audited) taken must be paid by the employee. Books are not covered by the tuition waiver.
8. If an employee drops a class, he/she is required to submit a drop slip immediately to Payroll to adjust the tuition waiver.
9. If an employee resigns and/or is terminated before census date, he/she will be required to reimburse the University for any tuition not refundable that was waived as an employee benefit.
10. If an employee resigns after census date and prior to the withdrawal date, he or she is required to reimburse the university a proportionate percentage through a payroll deduction to be withheld out of their final pay. This includes all waiver benefits granted as an employee benefit to the employee.
11. If being a student is a condition of employment, than the employee is not eligible for waiver benefits.
12. Benefits as listed shall not be modified or substituted for other benefits.

Revised – Policy Committee Approved May 11, 2006

EARNED LEAVE:

The Director of Human Resources will be held responsible for the proper record keeping of earned leave for all employees. Supervisors are responsible for providing accurate leave information to Human Resources in a timely manner. Any employee absence during the first 90 days will be charged to Leave Without Pay (LWOP). Accrued leave will not be paid if the employee terminates before the end of the initial trial period. Upon completion of the initial employment, annual and sick leave is retroactive to the date of hire. Human Resources will maintain an accurate account of all leave balances and make them available to employees immediately upon request.

Annual Leave (Vacation)

The University recognizes the value to the University and to its employees for providing paid annual leave. Annual leave provides the employee an opportunity to relax for an extended period and to return to the job with renewed interest and vitality. The University, therefore, encourages its employees to take annual leave of at least one calendar week in duration.

Definition of Earned Annual Leave:

1. Annual leave is earned during actual time worked and during paid sick leave, Annual leave time, holidays and paid leave of absence.
2. Annual leave is not earned during unpaid leave of absence.

Accrual Rate:

Regular, Full-time employees **hired prior to August 1, 1992:**

Employees hired prior to August 1, 1992 will accumulate annual leave at the rate of 12 hours (1 1/2 days) per month, effective on their date of hire.

Employee may accrue up to a maximum of **168 hours** annual leave. Management is encouraged to enable employees to use annual leave prior to reaching maximum accrual allowed. Upon termination of employment, unused annual leave balance will be paid to the employee up to a maximum amount of 160 hours. Terminating employees still within their trial period will not be reimbursed for any accrued annual leave balance. Regular, full-time employees **hired on or after August 1, 1992** will accumulate hours as follows:

0 up to 5	years of service:	8 hours per month (96 hours per year)
5 up to 10	years of service:	10 hours per month (120 hours per year)
10 or more	years of service:	12 hours per month (144 hours per year)

Revised – Policy Committee Approved May 25, 2010

Sick Leave

The University recognizes that employees will occasionally be sick or injured and that time off with pay will be provided to protect employees during those periods. Paid sick leave is a privilege provided by the University so that employees will not be penalized for a temporary state of ill health and is not to be considered as earned annual leave. During trial periods, sick leave taken is charged to leave without pay (LWOP). (Unused Sick Leave is not 'paid out' at the time of retirement.)

For each day sick leave is used, the employee is expected to notify his/her supervisor as soon as possible (before the scheduled working time or immediately thereafter) that he/she will be absent. If the employee is unable to speak with the supervisor personally then he/she is expected to leave a message with a person who will ensure that the supervisor will receive the message. The supervisor may require the employee to bring a physician's statement or a physician's release before returning to work, or at anytime, regardless of the length of the absence.

Definition of Earned Sick Leave

An employee may elect to charge an illness or injury to annual leave and, unless specified by the employee, sick leave will automatically be charged to accrued annual leave after sick leave accruals are exhausted. If sick and annual leave accruals are exhausted, or when sick leave accruals are exhausted and the employee does not want to charge annual leave, sick leave will be charged to *leave without pay*. An illness occurring during an employee's annual leave may be charged to sick leave. In this case, a "physician's statement" verifying the period of illness may be required. Illness of an immediate family member (refer to definition of "Immediate Family") may be charged to sick leave and is defined as family illness.

Abuse of sick leave is grounds for dismissal. The supervisor may require the employee to bring a physician's statement or a physician's release before returning to work or at anytime, regardless of the length of the absence.

Employees are entitled in some instances to take leave in accordance with the Family and Medical Leave Act. Family and Medical Leave Act ("FMLA") leave is available to employees who have worked for the University at least 12 months and have worked at least 1,250 hours during the 12 months preceding the leave. Up to 12 weeks of FMLA leave is available in a 12-month period to eligible employees for one of more of the following: the birth and the first year care of the employee's child; the adoption or foster placement of a child into the employee's home; the serious health condition of the employee's spouse, child or parent; or the employee's own serious health condition. In general, FMLA qualifying leave is unpaid. However, if an employee has accrued vacation or sick leave, the employee must use their accrued vacation and sick leave when taking any type of FMLA qualifying leave. Once the applicable accrued paid leave is exhausted, the remainder of the FMLA leave will be unpaid. For more details see the section on Family and Medical Leave of Absence Policy.

Accrual Rate:

Regular, full-time employees will earn sick leave at the rate of 12 hours per month, to a maximum of 1,040 working hours (26 weeks). Regular, part-time employees will earn sick leave pro-rated according to the number of hours worked, (i.e. 20 hours/week, 6 hours/month). No hours will be accrued beyond 1,040. No sick leave is earned while on Leave Without Pay (LWOP). Unused sick leave is reinstated upon return from LWOP. Sick leave is to be used only for the following:

1. Personal illness or injury (includes temporary disability due to pregnancy, childbirth, and other related medical conditions);

2. Reasonable time off for personal medical attention;
3. Transporting member of immediate family for medical services (see definition for “Immediate Family”);
4. Caring for a member of immediate family who becomes ill or injured and requires personal attention;
5. Partial days not worked when an employee who has been on sick leave returns to work on a part-time basis while recovering from the illness or injury;
6. The University requires the use of accrued vacation and/or sick leave when taking any type of qualifying FMLA leave.

Revised – BOR Approved December 17, 2004

HOLIDAYS

Western New Mexico University provides for paid holidays for all regular full-time employees and, on a pro-rated basis, all eligible regular part-time employees. The following holidays shall be declared and scheduled by the President of the University, in conjunction with Human Resources, at his/her discretion, in order to best align with the campus academic schedule:

- Independence Day
- Labor Day
- Thanksgiving Holiday
- Winter Holiday
- Martin Luther King Day
- Memorial Day
- Spring Break
- Good Friday

The President has the authority to designate additional holidays at his/her discretion.

EMPLOYEE PERFORMANCE, PROMOTION AND TRANSFER

This section includes those policies related to Western New Mexico University's commitment to fair and consistent feedback to employees about their job performance and/or promotion and transfer within the university.

EMPLOYEE PERFORMANCE, PROMOTION AND TRANSFER

EMPLOYEE PERFORMANCE EVALUATION

To attain job success and for Western New Mexico University to be successful in its mission and goals, the employee and the supervisor will complete at least one formal performance evaluation yearly. The employee will receive feedback and recognition of efforts, accomplishments and developments within the job, as well as information about what can be done to improve work performance. The President will evaluate the Vice Presidents and others reporting directly to him/her annually in a manner, which is at the discretion of the President.

Evaluations also give the employee an opportunity to discuss with the supervisor any needs, which may exist. Evaluations may also be used for review with regard to other employment considerations such as promotion, demotion, transfer, lay off, discipline, rehire, and compensation.

ADMINISTRATION OF EMPLOYEE PERFORMANCE EVALUATIONS

It is the policy of Western New Mexico University that employee performance evaluations be completed on or before the end of the first 90 days trial period and then within three weeks of the employment annual anniversary date.

The Human Resources Department will notify the supervisor and employee when the evaluation is due.

Procedure:

Both the employee and supervisor will fill out the evaluation forms. The employee shall submit his/her self-evaluation to the reviewing supervisor prior to the evaluation. The supervisor will then schedule a mutually agreed upon time to discuss the evaluation and the self-evaluation. It is the responsibility of the supervisor to make sure that the evaluation is completed and that a copy of any formal performance evaluation is placed in the employee's personnel file in the Human Resources Department after it is signed by both the employee and the supervisor. It is the responsibility of the Human Resources Director to ensure that evaluations are completed.

Revised – BOR Approved May 2003

PROMOTION AND TRANSFERS

Western New Mexico University supports promotion or transfer from within whenever possible. In the event that all qualifications are equivalent between internal and external candidates, the internal candidate will be given priority.

Selection for promotion will be based upon demonstrated ability, experience and technical knowledge. Length of service will be considered only when all other factors are essentially equal among internal candidates.

Employees may request voluntary transfers and will be considered based on the following criteria:

- A position is available in another work area.
- The employee has had a satisfactory performance record.
- The employee has had no adverse disciplinary actions during the previous six month period.
- The employee meets the qualifications for the position.
- The employee is willing to accept the pay level available for the position.

An eligible employee requesting a transfer will be given consideration under the following conditions:

- Employees who are being considered for layoff because of a reduction in work force or the elimination of their current position.

APPLICATION FOR PROMOTION OR TRANSFER

All internal candidates, who feel their qualifications meet the requirements for the position, are encouraged to apply by submitting an application, resume and three or five (depending on position as noted on job announcement) professional references to the Human Resources office no later than the posted closing date.

As a matter of courtesy, employees are encouraged to discuss their interest in another position with their supervisor prior to applying for the other position, if current situation allows, and/or no later than being called for an interview.

A candidate for a transfer or promotion may be allowed to charge annual leave to participate in the interview process with supervisor approval.

Employees making an internal position change (to a regular position) will retain their seniority and benefits.

LEAVES OF ABSENCE

This section outlines the various leaves of absence that are available to eligible employees, either as part of policy and/or in accordance with the law.

FAMILY MEDICAL LEAVE ACT – GENERAL DEFINITION

FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY

General Policy

The Family and Medical Leave Act of 1993 (FMLA) became effective on August 5, 1993. The purpose of the Act is to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to preserve the national interest in preserving family integrity. Listed below is an outline of the conditions under which an employee may request time off without pay for a limited period with job protection and no loss of accumulated service provided the employee returns to work.

Eligibility

The following employees are eligible for leave under the FMLA:

1. Regular full-time and part-time employees who have been employed at WNMU at least twelve (12) months prior to the leave and worked a minimum of one thousand two-hundred fifty (1,250) hours during the twelve (12) month period preceding the start of the leave. This includes faculty, professional, and support employees as defined in the respective employee handbooks.
2. Temporary full-time and part-time employees who have been employed at WNMU at least twelve months prior to the leave and worked a minimum of one thousand two-hundred fifty (1,250) hours during the twelve (12) month period preceding the start of the leave.
3. Occasional employees are not eligible.

Basic Regulations And Conditions Of Leave

FMLA leave can run concurrent with annual and sick leave if the employee wishes to be paid during this leave period. Eligible full-time employees who work at least one thousand two-hundred fifty (1,250) hours during the preceding twelve month period may take up to twelve (12) weeks in a twelve (12) month period (beginning with the first day of leave taken under FMLA). The twelve (12) week leave period will include any accrued vacation and sick leave. The remainder of the twelve (12) week leave period will be reported as leave without pay (LWOP). For eligible part-time employees who work at least one thousand two hundred and fifty (1,250) hours during the year preceding the leave, their leave will be pro-rated as follows: half-time employees (FTE .50) may take up to six (6) weeks; three-quarter time employees (FTE .75) may take up to nine (9) weeks, etc. FMLA may be taken for the following reasons:

Types Of Leave

1. An employee's own serious health condition.

Serious health condition is defined under FMLA as an illness, impairment or physical or mental condition that involves (a) in-patient care in a hospital, hospice or residential medical care facility; or (b) any period of incapacity requiring absence of work or other regular daily activities for more than three (3) consecutive days and that involves continuing treatment by a health care provider; or (c) continuing treatment by a health care provider for a serious health condition that, if not treated, would likely result in absence of more than three calendar days.

2. Care for a spouse, child or parent with a serious health condition. A spouse is defined as a husband or wife as recognized by state law. Child is defined as son or daughter including biological, adopted, or foster children, stepchild, legal ward, the child of one who acted as their parent (supported, cared for, and responsible for the child), and the child must be under eighteen (18) or incapable of self care because of disability. Parent includes biological parent or someone who acted as a parent by having day to day responsibility of care and support

If medically necessary, an intermittent schedule or a reduced leave schedule may be arranged for an employee's own serious health condition or for care of a spouse, child or parent with a serious health condition. If leave is requested on this basis, the University may require the employee to transfer temporarily to an alternative position with better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.

3. For childbirth, adoption or foster care. Leave must be taken within the first twelve (12) months following childbirth, adoption or placement of a child. The total leave is not to exceed twelve (12) weeks including any paid leave. If a husband and wife work for the University, the combined leave for birth or placement of a child is twelve (12) weeks.

Procedures For Obtaining FMLA Leave

An employee requests leave using the Leave Request Form obtained from the Human Resources Department, from his/her supervisor who will route the request for the proper administrative approvals and then forward to the Director of Human Resources. The Director of Human Resources is responsible for administration of this policy and will notify the employee whether the request is approved or denied.

Notification:

When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide at least 30 days advance notice to the effective date of the leave. An effort should be made to schedule the leave so as not to disrupt University operation if possible.

MEDICAL CERTIFICATION:

All requests for family and medical leave of absence due to serious health condition of the employee and/or care of a child, spouse or parent with a serious health condition will require the employee to provide medical certification from the attending physician describing the medical condition and other pertinent information. Forms are available from the Human Resources Department. The employee has fifteen (15) days to provide the certification unless that is not possible despite diligence.

The University in its discretion may require a second opinion and periodic re-certification at its own expense. If the first and second opinions differ, the University, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the University and the employee.

A Leave Request Form should be processed by the employee's supervisor placing the employee on leave for the authorized period of time and should indicate the reason for the leave.

CALCULATION OF INTERMITTENT OR REDUCED LEAVE:

For non-exempt employees, calculation of leave is done on the basis of time actually taken. One day taken each week exhausts one fifth (1/5) of the available FMLA leave week. An employee reduced from eight (8) hour days to 4 hour days uses half (1/2) of one available FMLA leave week for every half (1/2) time week worked.

Salary reductions for exempt employees are allowed without jeopardizing the exempt status of the employee under the Fair Labor Standards Act. Therefore, exempt employees taking two (2) days off per week can have their weekly salary reduced two fifths (2/5).

STATUS OF EMPLOYEE BENEFITS DURING LEAVE OF ABSENCE

1. Any employee who is granted an approved leave of absence under this policy is advised to provide for the continuation of his or her group health insurance coverage by arranging with the Payroll Office to pay the employee's premium contribution during the period of unpaid absence. The University will continue to contribute the employer's portion of group medical insurance premiums during the family leave.

2. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence or returns to work for less than 30 days, the University may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlements based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.
3. In case of illness, employees will be required to periodically report to their supervisor their intent to return to work. If the employee gives an unequivocal notice of intent not to return, then obligations, to maintain benefits (except for COBRA) and to restore the employee, end.

REINSTATEMENT

An employee returning from Family and Medical Leave of Absence must contact the Human Resource Office prior to the expiration of the leave. Medical leave granted for an employee's serious health condition, will require the employee to provide a medical certification of fitness for duty from the attending physician that the employee is able to return to work. A form is available from the Human Resources Office for this purpose. No employee will be permitted to work without being cleared by the Human Resource Office.

Once cleared for reinstatement by the Human Resource Office, the employee's supervisor will process a request to reinstate the employee. A copy of the request will be sent to the Payroll Office.

RECORDKEEPING AND NOTICE

A notice explaining the FMLA provisions will be posted throughout Western New Mexico University.

The FMLA Leave of Absence Policy and Procedures will be placed in the Administrative and Governance Policies and Procedures Manual. The policy will also be referenced in the respective constituent's handbooks.

All medical records will be kept separate and confidential from other personnel files as prescribed by state and federal laws.

APPEALS

An employee may appeal a decision related to FMLA leave as outlined in the University's Grievance procedure.

Note: This policy is written to comply with the Family and Medical Leave Act of 1993. The act's governing regulations covering definitions and details will apply to this policy.

BEREAVEMENT LEAVE

The University will allow up to five consecutive workdays of paid excused absence for regular full- and part-time employees to make arrangements and/or attend the funeral service of a member of the employee's, or spouse's, immediate family.

Pay will be computed at the straight time rate of pay. In the event more than five days for travel to attend funeral services are needed, the supervisor shall grant additional days of unpaid absence for this purpose, unless a request is made for sick leave and/or annual leave. Should death in the immediate family occur during the employee's vacation, the vacation period will be extended up to five days.

LEAVE OF ABSENCE

Personal leave of absence without pay (LWOP) may be granted at the convenience of the University based on the nature and length of the absence and the employee's length of service, performance, and work record. All personnel should be required to use annual leave benefits (sick leave for medical reasons) before applying for LWOP.

A letter requesting leave must state the reasons for the request and the anticipated date of return. Such request must be submitted in writing to the department supervisor for processing. The request should not be considered as approved until the employee receives written approval from both the department supervisor and the president of the university in a letter which stipulates the conditions and terms of the leave and the employee's return to work.

Regular employees on sick leave who have exhausted their sick and annual leave accrual are placed on leave without pay.

MILITARY LEAVE OF ABSENCE

Employees will be granted leave with pay to attend required military reserve or National Guard training not to exceed three weeks annually. Upon presentation of official military order or other evidence indicating that the employee is entering active military duty (copies to be provided to the supervisor and Human Resources office with leave request), the University grants a military leave of absence to regular employees during the time they are on active duty in the Armed Forces of the United States defined as Army, Navy, Air Force, Marine Corps, Coast Guard and their respective reserve components.

Reinstatement

An employee on Military Leave of Absence will be reinstated in accordance with applicable law.

The federal statute known as the Uniformed Services Employment and Reemployment Rights Act ("USERRA") governs military leave requirements.

Under USERRA "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

The term "uniformed services" is defined in USERRA to mean the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

Under USERRA an employer generally has an obligation to reemploy certain members of the uniformed services who reapply for employment. This requirement may extend for up to five years following the commencement of the military leave. Employers also have an obligation to maintain certain benefits, such as group health plans and pension plans.

USERRA specifically outlines the types of jobs which may be offered to an employee upon return from military service, depending on the length of the absence. However, the general rule is that the employer must return the employee to the same position the employee would have had if the employee's employment was not interrupted by military service, provided the employee is qualified to perform the duties of the position.

The following time limits apply for reporting or reapplying for a position by an employee who left employment with the employer to serve in the uniform services:

- 1) If the employee whose period of service in the uniformed services was less than 31 days, the employee must report back to work not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the employee's residence, or as soon as possible after the expiration of the eight hour period referred to above if reporting within such period is impossible or unreasonable through no fault of the employee.
- 2) If the employee whose period of service in the uniformed services was for more than thirty (30) days but less than 181 days, the employee must submit an

application for reemployment with the employer not later than 14 days after the completion of the period of service, or if submitting such application within such period is impossible or unreasonable through no fault of the employee, the next first full calendar day when submission of such application becomes possible.

- 3) In the case of an employee whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service
- 4) If the employee is hospitalized for, or convalescing from, any illness or injury incurred in, or aggravated during, the performance of service in the uniformed services, the employee shall at the end of the period that is necessary for the employee to recover from such illness or injury, but no later than two years, report to the employer, if the employee's period of service in the uniformed services was less than 181 days.
- 5) If the employee is hospitalized for, or convalescing from, any illness or injury incurred in, or aggravated during, the performance of service in the uniformed services, the employee shall at the end of the period that is necessary for the employee to recover from such illness or injury, but no later than two years, submit an application for reemployment with the employer, if the employee's period of service in the uniformed services was for more than 180 days.
- 6) The two-year period shall be extended to accommodate circumstances beyond the employee's control, which make reporting within two years impossible or unreasonable.

Under USERRA, an employer must permit an employee to use, during the period of service, if requested, any vacation leave accrued before the commencement of such service.

Under USERRA, if an employee is absent from his or her employment by reason of "service in the uniformed services" for less than 31 days, an employer cannot require that employee to pay any more than the employee's share of any group health plan premiums for the employee or his or her dependents during the absence.

If the employee will be gone for 31 days or more, the employer may require the employee to pay up to 102% of the full premium under the plan.

If the leave is paid leave, due to the use of vacation leave, the premium payments may be deducted from the employee's paycheck. If the employee has no accrued vacation leave or insufficient vacation leave and the employer requires that the employee pay the premium, the employee must arrange to pay the premiums.

USERRA only requires that the health benefits be maintained for the lesser of the following:

- 1) 18 months beginning on the date the employee's absence begins, or
- 2) The day after the date on which the person fails to apply for, or return to, the employer as determined by the reporting and reapplication provisions. An employer may, if it chooses, provide health benefits beyond the 18-month period. Upon return from military leave, an exclusion or waiting period may not be imposed in connection with the reinstatement of group health plan coverage.

If an employee's health benefits or those of a qualified beneficiary terminate as a result of military leave, the employer may be required to provide COBRA benefits. If this is the case, the notice provision of COBRA applies.

Under USERRA, an employee or appropriate officer generally has to give an employer "advance verbal or written notice."

Under USERRA, an employer may not discharge certain re-employed veterans except for cause. If the employee served more than 180 days in the uniformed services, the employee may not be discharged, except for cause, within 180 days after the date of reemployment. There is no provision relating to employees who are re-employed after service of less than 31 days.

If an employee who is on military leave returns to work within the time frame set forth in USERRA, the employee must be treated the same for pension purposes as if the leave was not taken. This means that not only will the employee not be treated as having incurred a break in service for purposes of participation, but also the employee will receive credit for the time of the military service. Additionally, the employee will be entitled to any accrual of employer contributions the employee would have been credited with had the employee not been on military leave. If the employer sponsors a 401(k) Plan, the employee must be given an opportunity to contribute to the plan the deferrals that would have been made had the employee not been on military leave.

LEAVE FOR JURY/WITNESS DUTY OR MANDATORY COURT APPEARANCES

An employee summoned for jury duty or for duty as a witness (other than as a plaintiff or defendant) is granted time off with pay. Differential pay is that amount by which straight-time pay exceeds the compensation received for such services. Differential pay is paid only upon presentation of evidence indicating the amount received.

An employee summoned as specified above is required to return to his/her work location while temporarily excused from attendance at court unless it is not practical because of the short period remaining between the time the employee is excused from court and the end of the scheduled working time.

Employees summoned to serve on jury duty need to provide the supervisor with a copy of the notice to serve. If subpoenaed to appear in court as a witness, an employee will be granted time off with pay provided the employee is not a party to the suit. A copy of the subpoena must be provided to the supervisor and then submitted to the Human Resources office.

ADMINISTRATIVE LEAVE

Western New Mexico University, realizing that it is in the best interest of the institution to upgrade the abilities, competencies and skills of its administrative staff, provided this opportunity for remunerated leave to its administrators.

This program is established to allow time for appropriate research, study, writing, and attendant travel, activity, which is expected to benefit the university.

Eligibility:

Persons applying for leave under this program will have been employed by the university in an administrative capacity (including other administrators who carry faculty rank) at the level of director or above for at least three years prior to the beginning of the leave period.

Time:

Leaves must be so arranged that the office affected may function adequately in the administrator's absence. Applications must be presented to the President of the University at least three months in advance of the beginning of the leave period.

The leave period may be from 1 day to nine months (an academic year) and will be negotiated upon the employee's request, the needs of the proposed study or project and the needs of the institution.

LEAVE FOR VOTING IN AN ELECTION

Any employee whose work day begins less than two hours after the opening of the polls, or whose work day ends less than three hours prior to the closing of the polls, will be allowed to take up to two paid hours off on an election day for purpose of voting. The time to be taken off for voting must be scheduled with the employee's supervisor.

CLASS REGISTRATION

Annual leave will not be charged against an employee who is registering for a tuition-free course as a part of the university's benefits program.

SAFETY AND WORKER'S COMPESATION

This section contains information pertaining to safely and security as well as Worker's Compensation in the event of an on-the-job or work-related injury.

SAFETY OVERVIEW

Western New Mexico University strives to provide a safe and healthy working environment for all staff. Safety is the responsibility of the employer and every employee. If an employee observes an unsafe condition, faulty equipment, or other hazards, he/she must report it immediately to his/her supervisor. If safety equipment is required in an employee's duties, the employee must ensure that it is provided to him/her and that the safety equipment is provided in university vehicles.

Forethought and caution can prevent many accidents. For all medical and fire emergencies, call "911." If a police emergency should occur during the hours of 6:00 a.m. to 12 midnight, Campus Security should be notified at 538-6231 immediately. After these hours, the Police Department should be contacted at "911." Employees are asked to familiarize themselves with these policies and to strive toward not endangering themselves or others by ignoring safety practices or failing to promptly report unsafe conditions to the immediate supervisor, Human Resources office, or Facilities Maintenance office. Never assume that someone else has already reported an unsafe condition.

Everyone's safety is one of the university's greatest concerns. Staff is invited to participate in the further development of safety policies and procedures by making safety suggestions and recommendations. By staying alert to keeping the work environment safe, painful and costly accidents can be eliminated.

SAFETY TIPS:

Listed below are a number of ways that all staff can maintain a safe working environment:

- Report to work rested and physically fit to perform work.
- Keep offices and work places orderly and free of clutter.
- Do not block or obstruct access to hallways, aisles, traffic lanes, fire exits or doorways.
- Never allow unauthorized or unqualified individuals to operate office equipment or vehicles.
- Report any unsafe conditions, damaged or malfunctioning of office equipment to the appropriate authorities.
- Always turn electrical equipment off during severe electrical storms.
- Know the fire exits for your office and building and also plan an alternate route.
- Know the location and use of fire extinguishing equipment and know how to use the fire alarm.
- Report any injuries, regardless of how minor, to supervisors and Human Resources immediately.
- Keep "horseplay" and practical jokes under control to avoid injury.
- Keep your mind on the job, and temper under control, at all times.
- Support safety activities, prevention depends on everyone.

Never perform a job which may be unsafe. Report the situation to the supervisor and/or Human Resources office immediately.

SAFETY EQUIPMENT

Certain jobs at Western New Mexico University require standard safety apparel and equipment for the protection of the employee and others. Supervisors must be aware of any requirements and must furnish employees with the approved protective apparel and equipment necessary for the job. These items shall be worn/used and effectively maintained as a condition of continued employment and a mutual obligation to comply with the Occupational Safety and Health Act (OSHA). Any lost or damaged equipment should be reported to the appropriate supervisor and/or appropriate Vice President.

Knowing that proper safety equipment is necessary for staff protection, Western New Mexico University will provide protective equipment to those positions requiring the use of safety and protective equipment. Safety and protective equipment is to be used and worn as it was originally intended. Use all safeguards, safety equipment, or devices furnished and carry out all regulations which may concern or affect individual safety and the safety of others. Read all appropriate instructions and user's/operating manuals prior to the use of safety and protective equipment.

ACCIDENT PREVENTION AND EMPLOYEE RESPONSIBILITY

Each employee has a personal responsibility in accident prevention and in observing safety practice rules. The following is a list (not inclusive) of employee responsibilities:

- To know and obey safety practice and rules.
- To know the disciplinary action for violation of safety rules.
- To report all injuries immediately, no matter how slight.
- To ask questions when there is a doubt concerning safety.
- To refrain from tampering with equipment not authorized or trained to use.
- To report all unsafe conditions or equipment to immediate supervisor.

USE OF UNIVERSITY VEHICLES AND PERSONAL VEHICLES FOR UNIVERSITY BUSINESS

Only authorized University employees, who have successfully completed a Defensive Driving Course, may operate University-owned vehicles. All employees driving a motor vehicle on college business, whether personal- or college-owned, must possess a current New Mexico Driver's license for operation of that type of vehicle. The vehicle must be properly licensed and insured according to applicable laws. Employees must have accident and liability insurance coverage on their personal vehicle in order for it to be used for university business. Every accident that occurs on duty must be reported to the appropriate supervisor; this includes

automobile accidents involving university vehicles or your own automobile, when on university business. Employees operating a university vehicle must maintain, or ensure that vehicle is maintained; this includes, but is not limited to, checking oil, gas levels, tire inflation levels, tire wear, fluid levels (brake, transmission, etc.) and lights. Any necessary maintenance and/or repairs should be reported to the supervisor and/or fleet manager at which time the vehicle will be scheduled for the necessary repairs or maintenance. University vehicles shall be kept clean and orderly at all times. University vehicles may not be used for personal business.

REPORTING INVOLVEMENT IN A VEHICLE ACCIDENT

Employees involved in a vehicle accident while operating a university-owned vehicle and/or on university business are required to attempt to report the accident to the immediate supervisor and to loss control within one hour of the time of occurrence or as soon as possible if injuries or other extenuating circumstances prevent this.

DRUG TESTING FOLLOWING AN ACCIDENT

All employees involved in an accident, where there is sufficient or reasonable suspicion that the accident was, in the judgment of the university, influenced by alcohol or substance use will be required to submit to drug testing.

WEAPONS

It is the intention of Western New Mexico University to provide a safe and harmonious setting where students, faculty and staff can work without fear or threat of bodily harm. Thus, the possession of weapons or the unreported knowledge of such items on the University's premises or during University programs, on or off campus, is considered a serious offense subject to discipline.

The sale, possession, transfer, or use of any weapon(s) on the University premises or during University programs, except in officer training programs conducted under the auspices of the United States Armed Forces, state or local government law enforcement agencies or by officers thereof, is prohibited. "Weapons", as used in this policy, include, but are not limited to, firearms, knives, other than pocket knives not exceeding 4" in length when folded and kitchen utility knives not exceeding 7" in total length, clubs, explosives, spiked wrist bands, chains, brass knuckles, or other items that may cause or be used for the purpose of causing intimidation, injury, or death. "University Premises" means any University building and any University property, any University-owned vehicle and any other university-approved vehicle used to transport students to and from university activities. "University Programs" means any university-sponsored or approved activity, event, or function, on or off university premises where students are under the jurisdiction of the university, or during any period of time

university employees are supervising students on behalf of the university or are otherwise engaged in university business. Any employee who has knowledge that a fellow employee or student has a weapon on campus has a duty to report the situation to the Campus Police. The failure to report a violation of the Weapons Policy is serious misconduct and is grounds for disciplinary action, up to and including termination. Such an offense as accessory will be disciplined and subject to the same penalty as the primary offender.

Firearms are not permitted on campus grounds except those carried by Campus Police or visiting law enforcement officers.

GENERAL POLICIES AND CAMPUS SERVICES

BOOKSTORE

The Bookstore is located on campus in the first floor of the Student Memorial Building in the center of campus.

The bookstore's hours may vary during the academic year and during holidays.

The bookstore extends a 10% discount to University employees.

CAMPUS SECURITY

The University provides 24-hour daily campus security. Officers are on campus to safeguard the campus and its students, faculty, and staff as well as invited guests. The security officers will assist members of the community as provided by their duties. Any thefts, problems, or situations concerning students should be reported to the Campus Security and/or Vice President for Business Affairs office as soon as possible.

The security officers receive direction on a regular basis from the Vice President for Business Affairs office, through his/her designee, defining standards of behavior and duties. They have been directed when to open, lock and inspect doors, and when to escort people off campus. People without the proper identification may be asked to leave certain activities. Questions about Campus Security may be directed to the Vice President for Business Affairs office.

Parking

Anyone who parks in restricted areas may receive a verbal and/or written warning, a fine, or have their vehicle towed at their own expense, i.e. Handicapped Parking.

Visitor Parking

Visitors may be issued a one-day pass by being referred to the Campus Security office. Temporary stickers may be issued on a day-to-day basis and expire at the end of the specified period.

CAMPUS SPEED LIMITS

For the protection of all the University community and visitors, the campus speed limit is 15 miles per hour, or as posted.

Campus security will enforce this speed limit.

SOLICITING

Requests for contributions or the purchases of items can interfere with work schedules; therefore, staff is requested to obtain prior approval through the Vice President for Student Affairs Office and is requested to keep such activities to a minimum, and during times which will not inhibit others' work schedules.

Soliciting by individuals not associated with the campus community is prohibited without prior administrative approval through the Vice President for Student Affairs office.

STAFF IDENTIFICATION CARDS

All WNMU employees must obtain a University identification card. Upon employment, the identification card is the property of WNMU and is to be returned upon termination of employment. The identification card is not valid if it is not for the current academic year.

TELEPHONES

The University understands that employees must be able to make and receive personal calls. However, these calls must not interfere with the business of the University and should be kept short and to a minimum number. In addition, do not use phones that will make it impossible for outside business calls to be received while you are on a personal phone call.

Any toll calls must be made collect, by using personal calling card numbers, or in any way in which the employee will be responsible for the charge.

DISCIPLINARY POLICIES AND PROCEDURES

This section includes policies and procedures which staff may use to either discipline employees or to protest a disciplinary action taken.

DISCIPLINARY ACTION

Western New Mexico University encourages harmonious working relationships between supervisors and staff. A commitment to on-going honest feedback and communication between supervisors and staff will go a long way to insure that whenever problems occur they are resolved quickly and relatively easily. Therefore, whenever it is possible, problems should be worked out on an informal basis.

When more serious action is required, the following progressive disciplinary and corrective action plan is provided as a guideline. Depending on the particular circumstances and/or severity of the occurrence, any step or steps in the Disciplinary Action Policy may be skipped. A severe sanction, up to and including termination, may be appropriate for a first or subsequent offense. Listed below are some of the reasons that may be cause for disciplinary action up to and including termination.

- Excessive tardiness or abuse of leave privileges.
- Absenteeism without approved leave.
- Failure to meet performance standards for the position. (Please refer to performance evaluation section of staff handbook).
- Violation of policies and procedures.
- Harassment or discrimination of any kind.
- Violation of the Drug Free Workplace Policy.
- Insubordination.
- Misuse of authority.
- Intentional misinformation on an employee application or resume.
- Retaliation.

If a staff member believes that a disciplinary action was unjustly or improperly taken against them, the staff member has the right to use the grievance procedures within this handbook.

PROGRESSIVE DISCIPLINARY ACTIONS

Verbal Warning

An employee normally will be counseled by his/her supervisor when job performance remains less than satisfactory despite informal attempts to correct the problem. Attempts should be made by the supervisor to eliminate problems in order to prevent verbal warnings.

This counseling, in the form of a verbal warning, is normally the first step in the process. Verbal warnings are a formal part of the disciplinary function and are given to correct misunderstandings, to prevent continued repetition of problems, and to guide employees back onto the right track, etc.

Written Reprimand

When an employee has committed a serious infraction or has continuing problems directly related to the same subject as a prior verbal warning, which have not been resolved, a written reprimand will be given to the employee.

The written reprimand will usually include the following prior to being given to the employee.

- A description of the reason(s) for the reprimand.
- Time frame by which corrective action must be completed.
- A reference to the verbal warning*
- The corrective action required and a time frame allowed for the improved performance, so that there is a full understanding of what is expected.
- Notification to the employee that a continuation of the problem or failure to improve performance will result in further disciplinary action up to and including suspension or termination.

* Depending on the particular circumstances, written reprimands may be issued without prior verbal warnings.

The employee is requested to sign the written reprimand form to acknowledge receipt of the written reprimand. The original copy, signed by the supervisor and the employee, is sent to the Human Resources Director where it is placed in the employee's personnel file. The employee has the opportunity to respond to the issues presented in the written reprimand and this response will also be placed in the employee's personnel file. Copies of the written reprimand and employee response will be provided to the employee and employee's supervisor.

Probation Notice

An employee who has committed a serious infraction or exhibited other problems that have not been resolved by the verbal warning and written reprimand may be placed on probation with the prior approval of the appropriate Vice President or President.

Probation is a formal process requiring written documentation to the employee that usually includes:

- Specific reasons for the probation (referencing the problem, dates of prior verbal and written warnings, etc.)
- Specific standards of performance to be met by the employee
- The time period by which the corrective action must be completed.

- The specific length of the probationary period, which usually will not be longer than 60 working days.
- Consequences of not meeting the terms of the probation. This should include statements that explain that:
 - The employee is not eligible for transfer or promotion while on probation.
 - Recurrence of the problem or failure to make the required improvements performance will be grounds for further disciplinary action up to and including dismissal.

The employee is requested to sign a statement acknowledging receipt of the probation notice.

The original copy, signed by the supervisor and the employee, is sent to the Human Resources Director and placed in the employee's personnel file. The employee and appropriate vice president are also provided with copies of the Probationary Notice.

During the probationary period, the supervisor should provide the probationary employee with either verbal or written feedback concerning the employee's progress. If an employee satisfactorily corrects the deficiencies that resulted in probation and performs adequately in all other respects during the probationary period, the employee will be released from probation. If the improvement in performance is not sustained after the release from probation or the deficiencies are not corrected in the allotted probationary time period; the employee may be terminated. In the discretion of management, in exceptional circumstances, probation may be extended or modified.

Extension of Probation

The supervisor in coordination with the appropriate vice president may extend the probationary period. The extension must include rationale as to why the extension would be beneficial to the employee and/or the university. An extension will not be approved if it will extend the entire probationary period for longer than 120 working days. An employee whose performance remains unsatisfactory after the extended probationary period will be terminated.

At the satisfactory completion of the probationary extension, the supervisor will send a letter to the Human Resources Director stating that satisfactory performance has been achieved and the employee is being returned to regular employment status. This letter will be included in the employee's personnel file with courtesy copies to the employee, appropriate vice president and AA/EEO Officer.

Suspension

Where circumstances warrant, such as in situations where there are allegations of severe misconduct that must be investigated, an employee may be suspended with pay. In this case the suspension is not disciplinary and there is no due process right or right of appeal. Suspension with pay may only be used with approval of the appropriate Vice President.

In certain rare instances, such as when other forms of disciplinary action are deemed inappropriate, an employee may be suspended without pay as a disciplinary measure. Suspension without pay may only be used with approval of the appropriate Vice- President. In cases of employees exempt from the overtime provisions of the Fair Labor Standards Act, suspension without pay may only be in increments of a work week, e.g., one week, two weeks, etc.

Except emergency cases involving very serious misconduct, any employee who is suspended without pay will first be provided with notice of the charges against them and an opportunity to give their side of the story to the appropriate Vice President prior to a final decision regarding the suspension. In emergency cases involving very serious misconduct, the employee may be suspended without pay immediately, but the employee will be given notice and opportunity to give their side of the story as soon as practicable under the circumstances after the suspension takes effect.

In the event of a suspension without pay that is for five business days or less, an employee suspended without pay pursuant to this policy is entitled to no further process beyond the notice and opportunity to be heard granted above. In the event of a suspension without pay that is longer than five business days, the suspended employee will have a right to appeal the suspension. In such a case, the Hearing Discharge Process (below) will be utilized, modified so that the issue being decided is whether the suspension was for adequate cause.

Termination of Employment

Termination of employment will normally occur after progressive discipline fails or where the particular circumstances are serious. If corrective actions have been ineffective and the conditions of improved performance have not been met, or if the improvement in performance is not sustained, the employee will be terminated with the prior approval of the appropriate vice president and human resources director.

Except in emergency cases involving very serious misconduct, any employee who is terminated during the term of their contract will first be provided with notice of the charges against them and an opportunity to provide his/her rebuttal of alleged charges to the appropriate vice president prior to termination of employment.

A formal termination notice must be written by the supervisor and approved by the appropriate vice president prior to the notice being hand delivered or sent by certified mail to the employee. A copy of the notice must be placed in the employee's personnel file.

All monies due the employee for accrued work hours, annual leave and compensatory time will be paid within five calendar days of the date of termination.

Hearing Discharge Process

The Hearing Authority shall be independent, free from relationship to any party, lacking in any direct or indirect financial interest in the proceeding. Each year a Hearing Authority Committee will be chosen no later than September 30 that will serve until the next year's Hearing Authority Committee ("HAC") is chosen. The President will choose one member, the Staff Senate President will choose one member, and those two members will choose the third member by agreement. A terminated employee may appeal a discharge during the term of their contract by notifying the University within 15 days of termination via a written notice delivered to the AA/EEO Officer.

Within 10 days of such notice, the HAC will meet to set a hearing date. The following procedures will be used.

Hearing Procedures

1. Adoption of Rules. The Committee will convene within 10 days after establishment of the Committee to elect a Chairperson.
2. Duties of the Chairperson. The Chairperson of the Committee shall:
 - a. Preside over the proceedings;
 - b. Issue orders as necessary to insure that the proceedings are conducted in an orderly and just manner;
 - c. Make rulings on the relevance and admissibility of evidence, after consultation with the other members of the Committee and a determination of how the majority of the Committee wants to rule on the question presented; and
 - d. Ensure that a proper record is made of the official proceedings and that all documentary evidence produced at the hearing by either party is properly admitted, logged and preserved along with the record.
 - e. Committee action must be taken by a simple majority. If a member of the Committee disagrees with a ruling or action of the Chair, such member may request a vote of the Committee members on the question and the majority governs.
3. Representation During the Proceedings.
 - a. The parties will be permitted to have an advisor present. Either party will be permitted to have legal counsel present, provided that party provides notice to the other party and the AA/EEO Officer of intent to do so at least 5 days prior to the hearing, so that the other party may have legal counsel present as well.

Legal counsel may not participate except to advise their client. The University, in its discretion, may have legal counsel present to advise the Committee regardless of whether the parties are represented.

4. Sequence of the Hearing. The Committee will conduct the proceeding according to the following sequence:
 - a. Short opening statement by the Vice President or his/her designee (hereinafter "respondent").
 - b. Short opening statement by the employee.
 - c. In addition to making an oral opening statement, either side may also present a written statement of position, which shall become part of the official record of the proceeding and may be considered by the committee.
 - d. Presentation of the respondent's evidence and witnesses. The respondent will examine witnesses, and the employee will have the opportunity to cross-examine them. The respondent may present his own testimony through a statement, and the employee may cross-examine the respondent. Committee members may also ask questions.
 - e. Presentation of the employee's evidence and witnesses by the employee. The employee will examine witnesses, and the respondent will have the opportunity to cross-examine them. The employee may present his own testimony through a statement, and the respondent may cross-examine the employee. Committee members may also ask questions.
 - f. Summation of the evidence and closing argument by the respondent.
 - g. Summation of the evidence and closing argument by the employee.
 - h. Deliberation by the Committee, done in private.
 - i. Rendering of the Decision.
5. Burden of Proof.
 - a. The respondent shall have the burden to prove his case by a preponderance of the evidence, defined as follows. The respondent meets this burden if it persuades the Committee that it is more the Committee finds that the evidence is equally weighted both ways, then the respondent has not met his or her burden of proof. However, if the evidence weighs even slightly more heavily in favor of the respondent, then the respondent has met the burden. The respondent need not prove his case beyond a reasonable doubt or by clear and convincing evidence in order to prevail.

6. Evidence.

- a. Each party may present relevant evidence. Relevant evidence is evidence tending to prove or disprove a fact or matter in issue. Relevant evidence may be introduced even if its probative value is slight.
- b. Irrelevant evidence is not admissible.
- c. The Committee is not bound by the rules of evidence used by courts of law. Evidence is not objectionable or inadmissible because it is hearsay or because its introduction is contrary to the rules of evidence used by courts of law. Such factors, however, may be considered by the Committee in deciding on the weight or persuasiveness of evidence. The Committee is the finder of fact and it is each Committee member's prerogative to assign such weight to the evidence presented as they see fit, and to determine the credibility of witnesses.

7. Committee Decision.

- a. The Committee reaches a decision when a simple majority of the members present are in agreement.
- b. The Committee will issue its decision in writing to the parties with a copy to the President. The decision will either be to uphold the termination or overturn the decision.
- c. The Committee may not adjourn until it reaches a decision.

8. Appeal.

- a. Either party may appeal the Committee decision to the President of the University within 15 days. Such an appeal must be in writing and will not be a rehearing; rather, it will be decided upon the record. The President of the University will usually decide the appeal within 15 days of receiving the appeal, but such time period may be extended up to 30 days at the discretion of the President due to necessity. The President may accept, reject or modify, in whole or in part, the decision of the Committee. The decision of the President is final.

In the event that the Hearing Authority upholds the discharge of an employee due to a Reduction in Force (RIF) pursuant to Board of Regents policy, the decision of the Hearing Authority shall clearly specify that the discharge was pursuant to a RIF and not from any cause personal to the discharged employee. The employee's right to recall under the university's RIF policy will remain unaffected.

GRIEVANCE POLICIES AND PROCEDURES

This section contains policies and procedures which will assist employees in finding equitable solutions to problems and to provide employees a means to have their problems heard, investigated and resolved without fear of reprisal.

APPLICATION OF GRIEVANCE PROCEDURE:

The following are not grievable under this policy:

1. Termination of employment during the term of contract; the Hearing Discharge Process from the Disciplinary Policy must be utilized in that instance;
2. The non-renewal of an employment contract;
3. Action or inaction by the President of the University may not be named as a respondent to a grievance;
4. Discretionary acts of professional judgment relating to the evaluation of work performance of an employee by his supervisor;
5. Situations where the exclusive remedy for the alleged violation exclusively resides in some agency, person, or authority other than the President;
6. Situations as to which the procedure within the University is prescribed by state or federal authority;
7. Any personnel action taken by the President, without limitation;
8. Situations where another more appropriate remedy has been provided by President (e.g. persons disagreeing with their evaluations may attach comments for inclusion in their personnel file);

In addition to the foregoing limitations a grievance cannot be filed by a former employee after the effective date of the termination of employment.

The following are grievable under this policy:

1. Complaints alleging discrimination on the basis of sex, age, race, national origin, religion, disability, sexual orientation, or veteran's status;
2. Violation by a supervisor of Board of Regents policies or procedures, or other official University policies, rules or regulations with the exception of items 1 through 8 listed above as non-grievable.

Definitions:

"Grievant" an employee who is personally and directly affected by a condition or action that constitutes a condition or action grievable under this policy.

"Grievance" is the written allegation of a grievable action or condition by the grievant.

"Respondent" is the University official named in the grievance as being responsible for the grievable action or condition.

Procedure:

The AA/EEO Officer will conduct the investigation if the allegation involves a complaint alleging violation of the grievable situations noted above. The steps listed below are to be utilized in the grievance/complaint process. Deadlines may be extended only by agreement of all parties and the AA/EEO Officer.

A grievant may terminate the process at any level if he/she indicates, in writing, a desire to do so, accepts the resolution at that level, or fails to pursue his/her grievance by filing at the next level within the specified time limit.

Step 1: To settle any differences of opinion, the involved parties need to discuss the issue openly and honestly. The employee should request a meeting with his/her immediate supervisor to discuss the issue. Every attempt to reach an amicable solution to the issue should be made by both parties.

Step 2: If the employee and the immediate supervisor are unable to resolve the grievance through open discussion in Step 1, the employee may discuss the grievance with the next level supervisor (supervisor's supervisor) within five (5) working days of the meeting in Step 1. In the event the employee and next level supervisor are unable to resolve the grievance to the employee's satisfaction, a neutral party may mediate the grievance issue if both grievant and/or respondent so request or proceed to Step 3. The person chosen to mediate should be acceptable to all concerned parties. This mediation will be coordinated by the AA/EEO office and held within five (5) working days of the request. If the mediation is unsuccessful, the employee has the option to proceed to Step 3.

Step 3: Within ten (10) working days of the meeting with the next level supervisor or the mediation, the employee may submit the unresolved grievance in writing to the AA/EEO Officer.

The grievance form and assistance in preparing the grievance in a written format is available through the AA/EEO Officer. The written grievance must contain a requested remedy that is appropriate to the alleged violation.

The AA/EEO Officer will transmit the written grievance to the respondent within 5 days of receipt from the grievant. The respondent will have 10 days to file a written response with the AA/EEO Officer. Failure of the respondent to file a response will be deemed to be a general denial of the allegations in the grievance. The AA/EEO Officer will transmit the respondent's response to the grievant within 5 days of receipt. If the respondent agrees to the grievant's proposed remedy, or if the grievant agrees to a remedy proposed by the respondent, then the parties will sign an agreement to that effect prepared by the AA/EEO Office and the grievance is concluded. If the grievance remains unresolved then the parties proceed to Step 4.

Step 4: If the grievance still remains unresolved, the employee may submit a request for the establishment of a grievance committee for the purposes of reviewing the grievance and subsequent response to the AA/EEO Officer. Upon receipt of the request the AA/EEO Officer shall, within five (5) working days, appoint a grievance committee which includes a total of five members elected from the grievance pool. All EEO-6 categories will be equally represented within the committee (due to low availability, skill and technical categories will be combined). The AA/EEO Officer will act as the non-voting chair of the grievance committee. Either party to the grievance may challenge one member of the committee. The challenged member(s) shall be replaced by an alternate from the same category.

Hearing Procedures:

1. Adoption of Rules. The Committee will convene within 10 days after establishment of the Committee to elect a Chairperson.
2. Duties of the Chairperson. The Chairperson of the Committee shall:
 - a. Preside over the proceedings;
 - b. Issue orders as necessary to insure that the proceedings are conducted in an orderly and just manner;
 - c. Make rulings on the relevance and admissibility of evidence, after consultation with the other members of the Committee and a determination of how the majority of the Committee wants to rule on the question presented; and
 - d. Ensure that a proper record is made of the official proceedings and that all documentary evidence produced at the hearing by either party is properly admitted, logged and preserved along with the record.
 - e. Committee action must be taken by a simple majority. If a member of the Committee disagrees with a ruling or action of the Chair, such member may

request a vote of the Committee members on the question and the majority governs.

3. Representation during the Proceedings

- a. The parties will be permitted to have an advisor present. Either party will be permitted to have legal counsel present, provided that party provides notice to the other party and the AA/EEO Officer of intent to do so at least 5 days prior to the hearing, so that the other party may have legal counsel present as well. Legal counsel may not participate except to advise their client. The University, in its discretion, may have legal counsel present to advise the Committee regardless of whether the parties are represented.

4. Sequence of the Hearing. The Committee will conduct the proceeding according to the following sequence:

- a. Short opening statement by the grievant.
- b. Short opening statement by the respondent.
- c. In addition to making an oral opening statement, either side may also present a written statement of position, which shall become part of the official record of the proceeding and may be considered by the committee.
- d. Presentation of the grievant's evidence and witnesses. The grievant will examine witnesses, and the respondent will have the opportunity to cross-examine them. The grievant may present his own testimony through a statement, and the respondent may cross-examine the grievant. Committee members may also ask questions.
- e. Presentation of the respondent's evidence and witnesses by the respondent. The respondent will examine witnesses, and the grievant will have the opportunity to cross-examine them. The respondent may present his own testimony through a statement, and the grievant may cross-examine the respondent. Committee members may also ask questions.
- f. Summation of the evidence and closing remarks argument by the grievant.
- g. Summation of the evidence and closing argument by the respondent.
- h. Deliberation by the Committee, done in private.
- i. Rendering of the decision.

5. Burden of Proof.

- a. The grievant shall have the burden to prove his case by a preponderance of the evidence, defined as follows. The grievant meets this burden if it persuades the Committee that it is more likely than not that the respondent was responsible for an action or condition that constitutes discrimination on the basis of sex, age, race, national origin, religion, disability, sexual orientation, or veteran's status; or a violation of Board of Regents policies or procedures, or other official University policies, rules or regulations with the exception of items listed above as non-grievable. If the Committee finds that the evidence is equally weighted both ways, then the grievant has not met his or her burden of proof. However, if the evidence weighs even slightly more heavily in favor of the grievant, then the grievant has met the burden. The grievant need not prove his case beyond a reasonable doubt or by clear and convincing evidence in order to prevail.
6. Evidence.
 - a. Each party may present relevant evidence. Relevant evidence is evidence tending to prove or disprove a fact or matter in issue. Relevant evidence may be introduced even if its probative value is slight.
 - b. Irrelevant evidence is not admissible.
 - c. The Committee is not bound by the rules of evidence used by courts of law. Evidence is not objectionable or inadmissible because it is hearsay or because its introduction is contrary to the rules of evidence used by courts of law. Such factors, however, may be considered by the Committee in deciding on the weight or persuasiveness of evidence. The Committee is the finder of fact and it is each Committee member's prerogative to assign such weight to the evidence presented as they see fit, and to determine the credibility of witnesses.
 7. Committee Decision.
 - a. The Committee reaches a decision when a simple majority of the members present are in agreement.
 - b. The Committee will issue its decision in writing to the parties with a copy to the President. The decision will either be to uphold or overturn the decision.
 - c. The Committee may not adjourn until it reaches a decision.

8. Appeal.

- a. Either party may appeal the Committee decision to the President of the University within 15 days. Such an appeal must be in writing and will not be a rehearing; rather, it will be decided upon the record. The President of the University will usually decide the appeal within 15 days of receiving the appeal, but such time period may be extended up to 30 days at the discretion of the President due to necessity. The President may accept, reject or modify, in whole or in part, the decision of the Committee. The decision of the President is final.

WNMU will not tolerate retaliation, recrimination, discrimination, harassment or other adverse actions because of an employee's use of the grievance process. Any retaliatory action of any kind taken by any WNMU employee against another WNMU employee as a result of such employee seeking to resolve a grievance under these procedures, cooperating in any investigation or otherwise participating in any proceedings under these procedures is prohibited and shall be grounds for disciplinary action up to and including termination of employment. Any retaliatory action is also prohibited by the Title VII Civil Rights Act, as amended, Executive Order 11246 and the NM Human Rights Act.

Any participant in an investigation, who attempts to misdirect an investigation, whether by falsehood and/or omissions, will be subject to disciplinary action up to and including termination of employment.

GRIEVANCE POOL

The selection of a grievance pool will be made at the beginning of each academic year. All members of the grievance pool may serve one year.

The process of selecting representatives of each EEO-6 category will be as follows: A list of full-time employees in their respective groups will be obtained from the Human Resources Department; a copy will be mailed to each full-time employee with instructions to select the five members within their category to belong to the grievance pool; the five individuals with the most votes will be deemed the representatives for each group.

The voting sheets must be returned to the AA/EEO Officer within five working days and the tallying will be done by the AA/EEO Officer and a Staff Senate representative. The results will be open for inspection by any university employee.